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100TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
100-1135

**ANNUAL REPORT
FOR THE YEAR 1988**

R E P O R T

OF THE

**SELECT COMMITTEE ON NARCOTICS
ABUSE AND CONTROL**

ONE HUNDREDTH CONGRESS

SECOND SESSION



JANUARY 3, 1989—Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed.

U.S. GOVERNMENT PRINTING OFFICE

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WASHINGTON : 1989

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SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

(100th Congress)

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FORTNEY H. (PETE) STARK, California
JAMES H. SCHEUER, New York
CARDISS COLLINS, Illinois
DANIEL K. AKAKA, Hawaii
FRANK J. GUARINI, New Jersey
DANTE B. FASCELL, Florida
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WILLIAM J. HUGHES, New Jersey
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SOLOMON P. ORTIZ, Texas
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F. JAMES SENSENBRENNER, JR.,
Wisconsin
ROBERT K. DORNAN, California
TOM LEWIS, Florida
JAMES M. INHOFE, Oklahoma

COMMITTEE STAFF

EDWARD H. JURITH, *Staff Director*
ELLIOTT A. BROWN, *Minority Staff Director*
JAMES H. ALEXANDER, JR., *Professional Staff*
RICHARD J. BAUM, *Minority Professional Staff*
DEBORAH E. BODLANDER, *Minority Professional Staff*
JOHN S.V. BROWN, *D.C. Metropolitan Police Detail*
GEORGE A. DALLEY, *Shared Professional Staff*
ULRICH J. DEMBOWSKI, *G.P.O. Detail*
GEORGE R. GILBERT, *Staff Counsel*
HEIDE R. HABERLANDT, *Staff Assistant*
REBECCA L. HEDLUND, *Professional Staff*
MICHAEL J. KELLEY II, *Staff Counsel*
KHALIL MUNIR, *Customs Detail*
BOBBY E. POPE, *Investigator*
CHRISTINA T. STAVROS, *Staff Assistant*
BARBARA A. STOLZ, *Professional Staff*
RUTHIE L. THOMPSON, *Executive Assistant*
ROBERT S. WEINER, *Press Officer*
STEPHEN H. WIEGLER, *Minority Professional Staff*
LOUIS E. WILLIAMS, *G.P.O. Detail*

LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL,
Washington, DC, January 3, 1989.

Hon. DONNALD K. ANDERSON,
Clerk, House of Representatives,
Washington, DC.

DEAR MR. ANDERSON: I am pleased to transmit the enclosed report entitled, "Annual Report for the Year 1988 of the Select Committee on Narcotics Abuse and Control, 100th Congress, Second Session."

This report sets forth the activities of the Committee for calendar year 1988 in accordance with section 306(a)(2) of House Resolution 26.

Respectfully submitted.

Sincerely,

CHARLES B. RANGEL,
Chairman.

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Union Calendar No. 674

100TH CONGRESS }
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HOUSE OF REPRESENTATIVES

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ANNUAL REPORT FOR THE YEAR 1988 OF THE SELECT
COMMITTEE ON NARCOTICS ABUSE AND CONTROL

JANUARY 3, 1989.—Committed to the Committee of the Whole House on the State of
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Mr. RANGEL, from the Committee on Narcotics Abuse and Control,
submitted the following

REPORT

COMMITTEE JURISDICTION, AUTHORITY, FUNDING, AND
ORGANIZATION

INTRODUCTION

The House of Representatives in the 100th Congress ¹ continued the mandate of the Select Committee on Narcotics Abuse and Control which was first enacted in the 94th Congress.² From its inception more than twelve years ago, the Committee's primary mandate from the House has remained basically the same: "to conduct continuing oversight and review of the problems of narcotics, drug and polydrug abuse and control." The Committee was first established by the House in 1976 and has been reconstituted by the 95th, 96th, 97th, 98th, 99th and 100th Congresses.³

The Select Committee on Narcotics Abuse and Control is unique because it is the only congressional committee with the expertise and the broad responsibility and authority to examine the problems of drug abuse and drug trafficking prevention and control in their entirety. The issues involved are extremely complex and cut

¹ H.Res. 26, Title III, 100th Congress, adopted January 8, 1987.

² H.Res. 1350, 94th Congress, adopted July 26, 1976.

³ H.Res. 77, 95th Congress, adopted Jan. 11, 1977. H.Res. 3, 96th Congress, adopted March 21, 1979; H.Res. 13, 97th Congress, adopted Feb. 25, 1981; H.Res. 49, 98th Congress, adopted Feb. 8, 1983; H.Res. 22, 99th Congress, adopted March 7, 1987.

across a wide range of public policy concerns including law enforcement, the administration of criminal justice, health and health care delivery, environmental safety, education, international relations, national security, and government organization.

The Select Committee on Narcotics Abuse and Control possesses oversight, but no legislative, jurisdiction. The Committee is both a fact-finding and coordinating body. Through its hearings and other activities, the Committee provides an overview of drug abuse problems, focuses congressional and public attention on critical drug-related issues, and supports actions by the standing committees of the House with legislative jurisdiction for narcotics abuse and control. Although not empowered to report legislation, the Select Committee recommends legislative initiatives to the appropriate standing committees and assists their legislative efforts. To facilitate a coordinated approach to drug abuse issues by the House, the Select Committee's membership includes representatives from nine standing committees with jurisdiction over various aspects of drug abuse prevention and control.

RECONSTITUTION OF THE SELECT COMMITTEE (H. RES. 26)

The text of House Resolution 26, Title III, providing for the continuation of the Select Committee on Narcotics Abuse and Control during the 100th Congress is reproduced on the following pages. Title III of the resolution passed by voice vote on January 8, 1987.

TITLE III—SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

ESTABLISHMENT

SEC. 301. There is hereby established in the House of Representatives a select committee to be known as the Select Committee on Narcotics Abuse and Control (hereinafter in this title referred to as the "select committee").

FUNCTIONS

SEC. 302. The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct continuing oversight and review of the problems of narcotics, drug, and polydrug abuse and control, including (but not limited to) the study and review of (A) the abuse and control of opium and its derivatives, other narcotic drugs, psychotropics, and other controlled substances, as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970, and any such drug or substances when used in combination with any other substances; (B) domestic and international trafficking, manufacturing, and distribution; (C) treatment, prevention, and rehabilitation; (D) narcotics-related violations of the Internal Revenue Code of 1954; (E) international treaties and agreements relating to the control of narcotics and drug abuse; (F) the role of organized crime in narcotics and drug abuse; (G) problems of narcotics and drug abuse and control in the Armed Forces of the United States; (H) problems of narcotics and drug abuse and control in industry; and (I) the

approach of the criminal justice system with respect to narcotics and drug law violations and crimes related to drug abuse;

(2) to review any recommendations made by the President, or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting narcotics or drug abuse or control; and

(3) to recommend to the appropriate committees of the House legislation or other action the select committee considers necessary with respect to programs or policies affecting narcotics or drug abuse or control.

APPOINTMENT AND MEMBERSHIP

SEC. 303. (a) The select committee shall be composed of twenty-five Members of the House, who shall be appointed by the Speaker, one of whom he shall designate as chairman. At least one member of the select committee shall be chosen from each of the following committees of the House: The Committee on Agriculture, the Committee on Armed Services, the Committee on Government Operations, the Committee on Foreign Affairs, the Committee on Energy and Commerce, the Committee on the Judiciary, the Committee on Merchant Marine and Fisheries, the Committee on Veterans' Affairs, and the Committee on Ways and Means.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section, the term "Members" shall mean any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 304. (a) For purposes of carrying out this title the select committee is authorized to sit and act during the present Congress as such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2 and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 305. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this title.

(b) In carrying out its functions under this title, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to prescribe the duties and responsibilities of such staff;

(3) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of

basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(4) to terminate the employment of any such staff as the select committee considers appropriate; and

(5) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS

SEC. 306. (a)(1) The select committee shall report to the House with respect to the results of any field investigation or inspection it conducts.

(2) The select committee shall submit an annual report to the House which shall include a summary of the activities of the select committee during the calendar year to which the report applies.

(3) The select committee shall report to the House its recommendations for a comprehensive program to control the worldwide problem of drug abuse and drug trafficking.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

FUNDING OF THE SELECT COMMITTEE (H. RES. 388)

Funds for the operation of the Select Committee on Narcotics Abuse and Control during 1988 were provided in H. Res. 388, the omnibus measure authorizing amounts for expenses of investigations and studies by standing and select committees of the House in the second session of the 100th Congress. Approved March 16, 1988, the resolution included \$632,892 for the Select Committee.

COMMITTEE RULES

On February 4, 1987, the Select Committee adopted the following rules for the 100th Congress.

RULES OF THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

RULE 1. GENERAL

The Rules of the House of Representatives, to the extent they apply, together with the following rules, shall be the rules of the Committee.

RULE 2. MEETINGS

(a) The regular meeting day of the Committee for the conduct of its business shall be on the second Thursday of each month while the Congress is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) Special meetings may be convened as provided for by clause 2(c)(2) of Rule XI of the Rules of the House.

(d) At least 3 days (excluding Saturdays, Sundays, and legal public holidays) before each scheduled Committee meeting, each member of the Committee shall be furnished a list of the subjects to be considered or acted upon at such meeting.

RULE 3. HEARINGS

(a) Members of the Committee shall be advised and a public announcement shall be made of the time, date, place, and subject matter of any hearing to be conducted by the Committee at least one week before the commencement of such hearing, unless the Chairman determines that there is good cause to begin such hearing at an earlier date, in which event the Chairman shall advise Committee members and make the public announcement at the earliest possible date. Any announcement made under this paragraph shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.

(b) Unless authorized by the Chairman, a witness shall not be permitted to testify or present evidence at a hearing of the Committee, and such testimony or evidence may not be included in the Committee hearing record, unless 50 copies thereof have been delivered to the Committee at least 48 hours prior to such hearing.

(c) A Committee member may question a witness only when recognized by the Chairman for such purpose. In accordance with clause 2(j)(2) of Rule XI of the Rules of the House, each Committee member shall be allowed 5 minutes to question a witness until each member who so desires has had such opportunity. The Chairman shall, insofar as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the discretion of the Chairman.

(d) At any hearing the minority party members of the Committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the subject matter of such hearing during at least one day of hearing thereon.

(e)(1) The Chairman at an investigative hearing of the Committee shall announce in the opening statement the subject of the investigation.

(2) A copy of the Rules of the Committee and clause 2 of Rule XI of the Rules of the House shall be made available to each witness.

(3) Witnesses at an investigative hearing may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearing; and the Committee may cite the offender to the House for contempt.

(f) Any witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session,

when authorized by a majority of the members voting, a majority being present.

RULE 4. COMMITTEE PROCEDURE

(a)(1) Unless otherwise required or permitted by these rules, one-third of the members of the Committee shall constitute a quorum for the transaction of Committee business. Any Committee member present at a Committee meeting may make a point of order that a quorum is not present, but a quorum shall be deemed present unless a member who is present objects.

(2) Two members shall constitute a quorum for the purposes of taking testimony and receiving evidence.

(b) Meetings for the transaction of business and hearings of the Committee shall be open to the public or closed, in accordance with clauses 2(g)(1), 2(g)(2), or 2(k)(5) of Rule XI of the Rules of the House. No evidence or testimony taken in executive session may be released or used in public session unless authorized by a majority of members voting, a majority being present.

(c) A vote by any member of the Committee with respect to any matter being considered by the Committee may be cast by proxy if the proxy authorization is in writing, asserts that the member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the member of the Committee who is to execute the proxy authorization, and is limited to a specific matter and any amendments or motions pertaining thereto (except that a member may authorize a general proxy for motions to recess or adjourn, or for other procedural matters). Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day that the proxy is signed. No proxy may be counted for the purpose of constituting a quorum.

(d) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon the demand of any member, and a copy made available to each member present.

(e) In the absence of the Chairman at any meeting or hearing of the Committee, the ranking member of the majority party on the Committee who is present shall preside at such meeting or hearing.

(f) A complete record of all Committee action, including a record of all votes on any question on which a rollcall vote is demanded, shall be maintained by the Committee. The result of each such rollcall vote shall be available to the public for inspection at the offices of the Committee during normal working hours.

(g) Any member of the Committee may demand and the Chairman shall order a rollcall vote on any matter considered by the Committee.

RULE 5. COMMITTEE REPORTS

(a)(1) Except as provided in paragraph (b), any Committee report shall be approved by a majority of the members voting at a meeting at which a majority is present.

(2) A proposed report shall not be considered in a Committee meeting unless a copy of the proposed report is provided to each

member of the Committee at least 5 days (excluding Saturdays, Sundays, and legal public holidays) prior to the meeting.

(b) The Chairman is empowered to obtain the approval of any report in any appropriate manner, including by polling the members of the Committee in writing. In such cases, a copy of the proposed report shall be made available to each Committee member for at least 5 calendar days (excluding Saturdays, Sundays, and legal public holidays) and the approval of a majority of the Committee is required. The Chairman shall promptly notify Committee members in writing of the approval or disapproval of the proposed report.

(c) Supplemental, minority, or additional views may be filed in accordance with clause 2(1)(5) of Rule XI of the Rules of the House. The time allowed for filing such views shall be 3 calendar days (excluding Saturdays, Sundays, and legal public holidays) after approval of the proposed report in a meeting of the Committee or after the Chairman issues a notification of approval pursuant to paragraph (b).

(d) If hearings have been held on the subject matter of the proposed report, every reasonable effort shall be made to have such hearings available to the members of the Committee before seeking approval of the proposed report.

RULE 6. POWERS AND DUTIES OF COMMITTEE

(a) For the purpose of carrying out any of its functions and duties, the Committee is authorized to sit and act at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned.

(b)(1) The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, documents, and other exhibits and materials, as it deems necessary.

(2) A subpoena may be authorized and issued by the Committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(3) Notwithstanding subparagraph (b)(2) of this rule, a subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities by the Chairman upon the concurrence of the ranking minority member on the Committee.

(4) Authorized subpoenas shall be signed by the Chairman or by any member designated by the Committee, and may be served by any person designated by the Chairman or such member.

(c) The Chairman, or any member of the Committee designated from time to time by him, shall report on the meetings, hearings or other activities of the Committee to any other committee of the House which has subject matter jurisdiction therein.

RULE 7. BROADCASTING

(a) Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee may permit such hearing or meeting to be covered, in whole or in part, by television broad-

cast, radio broadcast, and still photography, or by any of such methods of coverage, under the rules established by paragraph (b) of this rule: Provided, however, that the Chairman shall determine, in his discretion, the number of television and still cameras permitted in a hearing or meeting room.

(b)(1) If television or radio coverage of any hearing or meeting of the Committee is to be presented to the public as live coverage, such coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or meeting or to give evidence or testimony while the broadcasting of such hearing or meeting, by radio, or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) The allocation among the television media of the positions of the number of television cameras permitted by the Chairman shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of such witness and such members to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from the hearing or meeting room while the Committee is in session.

(7) Floodlights, spotlights, strobelsights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by the Chairman to cover a hearing or meeting, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the Chairman, for coverage of a hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves at any time during the course of the hearing or meeting between the witness table and the members of the Committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing or meeting by other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 8. AMENDMENT OF RULES

The Rules of the Committee may be modified, amended, or repealed, by a majority of the members voting at a meeting at which a majority is present. Written notice of any proposed change shall be provided to each member of the Committee not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) before the meeting date on which such change is to be considered.

COMMITTEE MEMBERSHIP

The membership of the Select Committee on Narcotics Abuse and Control as of December 1988 is listed on page II of this report. The composition of the Committee Membership changed slightly over the year. Congressman E. Clay Shaw, Jr. (R-FL), resigned from the Committee on July 7, 1988. Congressman Duncan Hunter (R-CA) submitted his resignation on October 5, 1988. The Speaker accepted his resignation on October 6, 1988, and appointed Congressman James M. Inhofe (R-OK) to the Committee that same day. The Committee membership currently stands at 24 with 1 vacancy.

COMMITTEE STAFF

The Select Committee's average staff level during 1988 consisted of 11 full-time professional staff, 1 shared professional staff, and 4 staff assistants. In addition, the U.S. Customs Service and the Washington Metropolitan Police Department each detailed an employee to the Committee for the year to assist the Select Committee on long term research projects. During the course of the year the Committee had several student interns who assisted the Committee in its work. The Select Committee's printing and editorial needs were met by two detailees from the Government Printing Office. A complete list of the Committee staff as of December 31, 1988, is listed on page II of this report.

COMMITTEE MEETING

MARCH 23, 1988

On March 23, the Select Committee met for a briefing on the certification process and to discuss pending resolutions to disapprove the President's certifications of certain drug producing and transit countries which would trigger foreign aid and trade sanctions against those nations.

The certification process was established legislatively in the Anti-Drug Abuse Act of 1986. There are two certifications annually

for each major drug producing and drug transit nation: one under section 481(h) of the Foreign Assistance Act, relating to bilateral and multilateral aid, and a second under section 802(b) of the Trade Act, relating to trade.

The legislation requires the President to certify that each major drug producing and major drug transit country is either cooperating fully with the United States in narcotics control efforts, or is taking adequate steps on its own to control the production and/or flow of narcotics within its borders. The President must also consider whether the country has taken the necessary legal and law enforcement measures to eliminate illicit cultivation, to suppress the manufacture and transportation of illegal drugs, and to eliminate the laundering of drug-related profits. In addition, under the Trade Act, the President must consider the extent to which the country has taken the necessary steps to eliminate corruption of government officials.

Any country which does not meet the above criteria must either be certified on the basis of overwhelming national interests of the United States, or be decertified.

Under the Foreign Assistance Act, a decertified country loses 50% of its bilateral aid, with the exception of anti-narcotics aid, food and medicine, refugee aid, Inter-American Foundation Programs, disaster relief, and Child Survival funds. In addition, U.S. representatives to the multilateral development banks are required to vote against aid to the decertified countries.

Under the Trade Act, in addition to eliminating sugar quotas, the President must select one or more of the following trade sanctions:

- Denial of any or all products receiving preferential tariff treatment under the General System of Preferences, the Caribbean Basin Initiative, or any other law providing preferential tariff treatment;
- 50% increase in duty on any or all dutiable products;
- Duty on any or all duty-free products not to exceed 50% ad valorem;
- Abrogation of bilateral airline agreements;
- Shutdown of U.S. Customs pre-clearance operations.

The President makes his certifications in conjunction with the annual March 1 "International Narcotics Control Strategy Report". Congress has 45 days of continuous session under the Foreign Assistance Act and 30 days of continuous session under the Trade Act to overturn the Presidential determinations.

On March 1, President Reagan certified The Bahamas, Belize, Bolivia, Brazil, Burma, Colombia, Ecuador, Hong Kong, India, Jamaica, Malaysia, Mexico, Morocco, Nigeria, Pakistan, Peru and Thailand for cooperating fully with the United States or taking adequate steps on their own to control narcotics production, trafficking and money laundering.

President Reagan certified Laos, Lebanon and Paraguay on the basis of vital national interests. Afghanistan, Iran, Panama and Syria were decertified.

Ten House Resolutions (two for each country) were introduced to decertify The Bahamas, Bolivia, Mexico, Paraguay, and Peru. The

five resolutions to disapprove certifications under the Foreign Assistance Act were referred to the Committees on Foreign Affairs and Banking, and the five resolutions to disapprove certifications under the Trade Act were referred to the Committee on Ways and Means.

The Committee discussed the certification process and debated the merits of the pending decertification resolutions but did not reach any Committee consensus on the pending measures. The Foreign Affairs Committee reported resolutions on Bolivia, Paraguay and Peru, and the Banking Subcommittee on International Development Institutions and Finance reported a resolution on Paraguay, but none of the resolutions came to the House Floor for a full vote before the time limits had expired. Therefore, none of the Presidential certifications was disapproved.

UPDATE ON DRUG TRAFFICKING AND ABUSE IN 1988

INTRODUCTION

During 1988, the Select Committee on Narcotics Abuse and Control continued to review Federal policies and programs to curtail the illicit production, manufacture, and traffic of narcotic and psychotropic drugs and to support drug abuse education, prevention, and treatment initiatives. Despite additional Federal resources, the problem remained grave with most indicators of drug abuse continuing to increase.

Oversight of the programs established under the Anti-Drug Abuse Act of 1986, which significantly expanded the Federal role in narcotics abuse and control and, concomitantly, the responsibilities of the Select Committee, was a major focus of the Committee's work in 1988. For fiscal year 1988, the Federal budget for anti-narcotics efforts totaled \$3.46 billion. Of these funds, \$2.54 billion were allocated for drug enforcement, including interdiction and international narcotics control, and \$923.8 million were allotted for drug abuse education, treatment, and prevention initiatives.

The Committee also scrutinized the efforts of the National Drug Policy Board (NDPB), which was established by Executive Order 12590 in May of 1987 to develop and coordinate demand side and supply side drug policy issues and concerns. In April, hearings were held to review the NDPB's proposed strategy.

The Committee continued to monitor trends in drug trafficking and abuse. While efforts to seize illicit narcotics increased, production remained high. Drug-related emergency room admissions, drug-related deaths, and treatment admissions all underscored the continued severity of the nation's drug problem.

The Select Committee also followed the developments in the AIDS epidemic, particularly those related to the link between AIDS and intravenous drug abuse. The number of AIDS cases related to intravenous drug abuse steadily increased in 1988, with drug abuse remaining the second most frequent means of transmitting the AIDS virus. Among women and children drug abuse was still the primary source of the disease. The course of the spread of the AIDS epidemic underscored the need for additional drug abuse treatment availability, especially for intravenous drug abusers.

INTERNATIONAL NARCOTICS CONTROL EFFORTS

During 1988, all evidence and indicators pointed to the continued increase in coca and cocaine production and trafficking, opium production, and marijuana cultivation. Thus, despite reports of high levels of opium and marijuana eradication and of producing countries seeking to bolster their eradication efforts to eliminate the source of illicit narcotics, worldwide totals of available cocaine, opium, and marijuana increased.

The Anti-Drug Abuse Act of 1986 authorized funds for international narcotics control activities. It also included several key provisions to enhance international narcotics control. The Act provided that 50 percent of U.S. foreign aid be withheld from, and required the U.S. representatives to the multi-lateral development banks to vote against loans and other assistance to, each major illicit drug producing and drug transit country, unless the President certified to Congress annually that the country has taken adequate steps to control illicit narcotics activities or that the aid restriction would be contrary to the vital national interests of the United States. Congress may override a Presidential certification by enactment of a joint resolution disapproving the President's determination.

In February of 1988, the President certified that the following major narcotics producing or transit countries had cooperated fully with the United States, or taken adequate steps on their own, to control narcotics production, trafficking, and money laundering: the Bahamas, Belize, Bolivia, Brazil, Burma, Colombia, Ecuador, Hong Kong, India, Jamaica, Malaysia, Mexico, Morocco, Nigeria, Pakistan, Peru and Thailand. Laos, Lebanon, and Paraguay were certified based on national security interests. The President did not certify Afghanistan, Iran, Panama, and Syria. The Congress did not override these decisions.

The 1986 Act also provided new authority for the President to deny preferential tariff treatment to the products of any country that fails to cooperate with the United States in eradicating drug crops and apprehending drug smugglers. Moreover, it amended the Mansfield Amendment to allow U.S. drug enforcement agents to assist foreign officers in making drug arrests abroad, and to participate in direct police drug arrest actions in a foreign country provided the Secretary of State and the Attorney General determine that such activities are in the national interest of the United States.

The Anti-Drug Abuse Act of 1988 included additional measures to enhance international anti-narcotics efforts. Specifically, the legislation:

- Calls for a Western Hemisphere drug summit;
- Calls for exploration of the feasibility of a Latin American regional anti-narcotics strike force;
- Allows the Export Import Bank to extend credit of up to 5 percent of its loan guarantee authority in connection with a sale of defense articles or services to a democratic country for primarily anti-narcotics purposes;
- Provides authority to revoke passports of convicted drug dealers;

- Allows limited waiver of Section 660 of the Foreign Assistance Act to provide arms, ammunition, and training to foreign police to fight drug trafficking; and
- Requires the Secretary of State to consult with agencies and foreign governments of either cocaine producing, trafficking or consuming countries about creating an integrated regional plan to fight the international cocaine trade and to report to Congress in six months.

Despite the new initiatives authorized under both the Anti-Drug Abuse Acts of 1986 and 1988, much more remains to be done, both bilaterally and multilaterally, to effectively confront the worldwide narcotics problem. Absent a concerted international commitment and regional cooperation on narcotics control, the long-range picture remains bleak.

FEDERAL DRUG INTERDICTION AND ENFORCEMENT

Confronted with increased quantities of marijuana, cocaine, and heroin being transported to the United States, the Anti-Drug Abuse Act of 1986 authorized additional resources for the interdiction agencies. Additional personnel; sophisticated detection equipment, including aerostat radar balloons and helicopters, and the authorization of Coast Guard personnel to be assigned to Naval vessels for drug law enforcement were directed toward enhancing interdiction efforts.

In recent years, interdiction agencies have succeeded in intercepting only 5 to 15 percent of the illicit drugs directed at the United States each year. Only preliminary 1988 estimates were available from the Drug Enforcement Administration at the time of the preparation of this report. The Coast Guard and Customs figures are for fiscal year 1988. The individual agency breakdown is as follows:

Drug Enforcement Administration:	
Heroin.....	777.5 kilograms (1710.5 lbs.)
Cocaine.....	51,999.7 kilograms (14,399.34 lbs.)
Cannabis.....	571,696.8 kilograms (1,257,732.96 lbs.)
Dangerous drugs.....	98,725,106 dosage units
Illicit drug labs.....	755
U.S. Coast Guard:	
Marijuana.....	644,811.58 lbs.
Cocaine.....	14,635.76 lbs.
Hashish oil.....	52.01 lbs.
U.S. Customs	
Heroin.....	1,353.4 lbs.
Cocaine.....	139,958.3 lbs.
Hashish.....	94,675.1 lbs.
Marijuana.....	918,953.7 lbs.
Opium.....	1,481.8 lbs.
Morphine.....	20.1 lbs.
Other drugs.....	1,120,129 tablets.

Despite the best efforts of these agencies, however, drugs continue to flood our borders because of bumper crops in producing countries. This influx of drugs places a significant burden on Federal, State, and local law enforcement efforts. While much of this burden still rests with State and local law enforcement agencies,

additional resources have been provided for Federal drug law enforcement.

Federal resources are directed primarily toward significant national and international traffickers. In 1988, several major drug traffickers were extradited and or indicted. The Organized Crime Drug Enforcement Task Force (OCDETF) Program, which was created to promote coordination among Federal and State agencies, also focuses on investigations of upper echelons of major drug trafficking networks.

The Anti-Drug Abuse Act of 1988 provided some additional resources for drug enforcement. This included increased funding for the Federal courts, and prisons, recognizing that effective drug enforcement requires support for all agencies of the criminal justice system.

FEDERAL ASSISTANCE FOR STATE AND LOCAL NARCOTICS ENFORCEMENT

State and local law enforcement agencies continue to bear the heaviest responsibility for drug law enforcement efforts across the nation. To support these initiatives the Anti-Drug Abuse Act of 1986 authorized the "State and Local Narcotics Control assistance Program", a three-year grant program to provide Federal Assistance for State and local narcotics control efforts.

At the Federal level, the program is administered by the Bureau of Justice Assistance (BJA) in the Department of Justice. The authorized level was \$230 million for each of fiscal years 1987, 1988, and 1989.

The major portion of the funding available under the Act (80%) is earmarked for formula grants to the States. Each State, in turn, is required to "pass through" a portion of the State's award to units of local government within the State. The remaining 20% of funds available are set-aside for discretionary grants.

Program funding is summarized in the following table:

	Authorized	Appropriated	President's request
1987	\$230 million	\$225 million	*
1988	230 million	70 million	0
1989	230 million	150 million	0

*Also to be used for criminal justice improvements.

For 1988, Congress provided only \$70 million for this program because many States did not receive their 1987 awards until close to the end of the fiscal year, and it was felt that \$70 million would be sufficient to maintain the program through 1988. The Anti-Drug Abuse Act of 1988 expanded the program to include funding of State and local criminal justice improvement efforts as well as anti-narcotics efforts. \$150 million was appropriated for the program for fiscal year 1989.

All States received their formula grant awards for fiscal year 1987. The first awards were made in June of 1987; the last award was approved in May 1988. The funding applications of most States were approved by BJA in September 1987. As of September 30,

1987, the last day of fiscal year 1987, BJA had received applications from 49 of the 56 eligible jurisdictions and approved awards to 44 States totaling 83% of the funds available for formula grants. Additional information of BJA's implementation of the program in 1987 is included in its first annual "Report on Drug Control."

For fiscal year 1988, BJA tried to expedite the awarding of funds as much as possible. Each State was advised that if no changes were anticipated in the required statewide strategy, the State was permitted to indicate to BJA its 1987 strategy remained in effect for 1988 and that the programs the State would fund in 1988 would fit under the 1987 strategy. BJA sent out requests for 1988 applications on November 20, 1987, based on the funding level anticipated in the 1988 Continuing Resolution. As of September 30, 1988, all States had been granted their awards.

FEDERAL TREATMENT, EDUCATION, AND PREVENTION INITIATIVES

Treatment

The Select Committee has received estimates that 6 to 6.5 million Americans are in the need of drug abuse treatment. There are approximately 1.1 to 1.3 million intravenous drug abusers. Available information indicates that there are currently 250,000 treatment slots. Of these slots 148,000 are for intravenous drug abusers. Long waiting lists have become common in many areas. Moreover, there is no measure of those who are discouraged from even applying for treatment and who are, therefore, not included on the waiting lists.

From 1980 to 1986, Federal support for drug abuse services declined by approximately 40 percent. This decline, coupled with rising drug abuse and increased demand for treatment services, created an enormous strain on the public treatment system operated by States.

Since 1981, the primary mechanism for Federal support to State drug abuse service efforts has been the Alcohol, Drug Abuse and Mental Health Services (ADMS) Block Grant (Part B). This block grant combined former categorical programs for these three disabilities. In 1986, \$495 million was initially appropriated for the ADMS Block Grant for fiscal year 1987. In the Anti-Drug Abuse Act of 1986, Congress added a \$14 million increment to the ADMS Block Grant for 1987. Thus, the total ADMS appropriation for 1986 was approximately \$509 million.

The Anti-Drug Abuse Act of 1986 also authorized a new emergency Alcohol and Drug Abuse Treatment and Rehabilitation (ADTR) Block Grant (Part C) to expand drug and alcohol abuse services by the States. According to the law, 45 percent of the new Part C block grant was to be allocated to the States on the basis of population. Fifty-five (55) percent was to be allotted to the States on the basis of need. For fiscal year 1987, \$162,855,000 was available for the total ADTR program. This amounted to \$73,285,000 for the population portion, although no State was to receive less than \$50,000, and \$89,570,000 for the needs-based portion.

The law required that fiscal year 1987 allotments and payments for the 45 percent population-based share of the ADTR grant be made at the same time as the allotments and payments for the existing Part B ADMS Block Grant program. The first award for fiscal

year 1987 was made on December 12, 1986, and the last award was made on October 1, 1987.

The distribution of the funds for the 55 percent component of the ADTR grant was delayed, because criteria for the determination of State need had to be developed by the Secretary of the Department of Health and Human Services (DHHS). Applications for funding for the 55 percent portion for 1987 were sent to the States on March 4, 1987. Awards were made between April 20 and October 1, 1987.

For fiscal year 1988, \$487.3 million was appropriated under the ADMS block grant and \$155.9 million under the ADTR grant. The invitations to States to apply for 1988 ADMS block grant funds were sent out on September 4, 1987. The invitations to States to apply for ADTR funds were sent out on February 26, 1988. All States had applied and all grants were awarded by September 30, 1988.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

(Dollars in millions)

	1987	1988
ADMS block grant.....	508.860	487.3
Emergency substance abuse treatment (ADTR)	162.855	155.917
Block grant:		
(45 percent population)	(73.285)	(70.163)
(55 percent need).....	(89.570)	(85.754)

The Anti-Drug Abuse Act of 1988 combined the ADMS and ADTR grants program. It reauthorized the block grant, providing \$1.5 billion for each of fiscal years 1989 and such sums as necessary for fiscal years 1990 and 1991. The formula allotting funds to the States was changed to one based on urban population, age groups most at risk (in need of services), and the most recent 3-year average of total taxable resources of the State. The new formula is phased in over 4 years.

In response to the AIDS/intravenous drug use epidemic, the 1988 Act requires the States to use ADMS funds appropriated in this Act only for substance abuse programs, with not less than 50 percent of these funds to be used for treatment programs for intravenous drug abuse. It also permits States to use ADMS funds to develop, implement, and operate treatment programs for intravenous drug abusers, with priority given to those programs treating HIV infected individuals; to train counselors to provide such treatment; and to engage in outreach activities to encourage such individuals to undergo treatment. The States are, however, prohibited from using these funds for bleach or sterile needle distribution programs or to provide HIV testing except with appropriate pre-and post-testing counseling.

A separate provision in the Anti-Drug Abuse Act of 1988 creates a \$100 million grant program to reduce treatment waiting lists. It is a one-time initiative.

Education

Under title IV, subtitle B of the Anti-Drug Abuse Act of 1986, the Drug Free Schools and Communities Act of 1986, the Congress authorized a three year program of drug abuse education. The program was authorized at \$200 million for fiscal year 1987, and \$250 million each for fiscal years 1988 and 1989. For fiscal year 1987, \$200 million was appropriated for the program.

For FY 1988, however, the President only requested a budget of \$100 million, or half of the 1987 program and \$150 million less than the authorized level. The Congress subsequently provided \$230 million for the program in the 1988 Continuing Resolution.

The major portion of drug education funds authorized in the Anti-Drug Abuse Act is reserved for a program of grants to the States. The total amount of funds available is allocated to the States on the basis of school-age population, with a minimum allotment of one-half percent per State. Each State's Chief School Officer is the primary distributor of the funds within the State (70 percent). The Governor of each State has the responsibility for distributing the remaining 30 percent. A State need only submit one application to the Department of Education, signed by the Governor and the Chief Executive Officer.

Ninety (90) percent of the funds dispersed by the State education agencies go to local and intermediate educational agencies and consortia in the State. The remaining 10 percent of the funds can be used by the State agency for training and technical assistance programs, dissemination of curricula and teaching materials, and demonstration projects. Funds made available to local educational agencies are to be used for drug and alcohol abuse prevention and education programs including: the establishment of drug abuse curricula, school-based early intervention and prevention programs, and programs to identify and discipline drug and alcohol abusers.

To receive funds, a local educational agency must establish, implement, or augment mandatory drug abuse education programs for students in all grades kindergarten through 12. Local educational agencies must apply to their State educational agency for a grant. Of the funds available to the Governor, at least 50 percent must be directed toward high risk youth. The remaining money is for grants and contracts with local governments and other public or private nonprofit entities (including parents groups, and community-based organizations) for community-based drug abuse prevention and education programs.

Most of the first year grant awards to States were made by June 1987. All States received their first year allocations before the beginning of the fiscal year 1988 (October 1, 1988). Seventy percent of local education agencies received their first-year grants from States in time for the 1987/88 school year. States were informed of the amounts of their 1988 allocations on February 11, 1988. Funds were available for distribution to States beginning July 1, 1988.

P.L. 100-297, the Omnibus School Improvement Act of 1988 (H.R. 5) reauthorized the Drug-Free Schools and Communities Act for 1989 at \$250 million and authorized "such sums as may be necessary" for each year through 1993. The Act makes the date on which funds are available for distribution to States (July 1, of each

year) consistent with other formula grant programs administered by the Department of Education. In general, applications by State and local education agencies for funds under the Drug Free Schools and Communities Act cover a three-year period. Some changes in H.R. 5 required States and localities to amend their applications.

The President's 1989 budget proposal requested funding of the program at the authorized level of \$250 million. The 1989 appropriations bill for the Departments of Labor, Human Services, and Education included \$247 million for drug abuse education.

The Anti-Drug Abuse Act increased the authorization level for the grants program to \$350 million and authorized a new teacher training program for drug abuse education at a level of \$16 million. A total of \$350 million was appropriated for the grants program for fiscal year 1989 and \$7 million was appropriated for the new teacher training program.

Prevention

The Office for Substance Abuse Prevention was created by the Anti-Drug Abuse Act of 1986 to provide higher visibility and funding to Federal drug and alcohol abuse prevention efforts. The activities of the Office include: sponsoring regional prevention workshops; coordinating research findings; developing and disseminating effective prevention materials; supporting clinical training; creating radio and TV public service announcements on drug abuse prevention; supporting the development of model community-based prevention programs; and conducting training, technical assistance, data collection and evaluation.

The total OSAP budget in fiscal year 1987 was \$54.254 million. In 1988, \$34.198 million was appropriated, after the President's Budget proposed only \$11.3 million.

OSAP was mandated to administer a new clearinghouse for drug and alcohol abuse information by the Anti-Drug Abuse Act. This new clearinghouse combined and expanded the separate drug and alcohol clearinghouses previously maintained by NIDA and NIAAA, respectively. The function of the OSAP clearinghouse is to disseminate information on the health effects of alcohol and drugs, information on successful alcohol and drug abuse prevention curricula, and information on effective and ineffective school-based prevention programs. Under the Anti-Drug Abuse Act of 1986, the Department of Education was mandated to provide materials for distribution by the clearinghouse and also to defray part of the costs of the clearinghouse.

The clearinghouse budget for 1987 was \$1.8 million, with \$.5 million coming from the Department of Education. \$1.2 million was appropriated in 1988 and \$2.3 million was requested in the President's budget for 1989.

The Anti-Drug Abuse Act of 1986 earmarked \$20 million of OSAP funds for 1987 for a new program of grants to demonstrate effective models for prevention, treatment and rehabilitation of drug and alcohol and drug abuse among high risk youth. OSAP is administering this program.

An announcement for the high-risk youth demonstration grant program was sent out in February 1987. Applications were due in by May. They were reviewed in June and July. All awards were

made by September 30, 1987. Grant awards under this program ranged from one to three years.

For 1988, \$23 million was provided for the High Risk demonstration grants. That money is to cover the second year of funding for those projects awarded two or three year grants last year. No new grants were awarded in 1988.

\$19.6 million was requested in the President's budget for Fiscal year 1989. This was for those programs that received a three-year award in 1987. No new starts were included in this request.

The Anti-Drug Abuse Act of 1988 reauthorized the office. It also authorized the director to support programs directed toward pregnant women and their infants.

TRENDS IN ABUSE OF NARCOTIC AND PSYCHOTROPIC DRUGS

Significant indicators of the level of substance abuse in the United States are the drug abuse-related hospital emergency room mentions and drug abuse deaths reported to DAWN, the Drug Abuse Warning Network of the National Institute on Drug Abuse. The DAWN network includes emergency room data from facilities in 27 metropolitan areas and statistics from medical examiner facilities in 26 metropolitan areas. These numbers indicate a serious ongoing problem.

REPORTED DRUG ABUSE HOSPITAL EMERGENCY ROOM MENTIONS

	1984	1985	1986	1987
Heroin	13,355	14,696	15,832	18,566
Cocaine	10,996	13,501	24,847	46,331
Diazepam	9,042	8,324	7,653	7,277
PCP	6,242	5,677	6,421	9,545
Marijuana	4,489	5,271	6,046	10,083
Barbiturates/sedatives	3,927	3,562	2,944	2,439
Methamphetamine	1,948	800	1,027	1,555
Amphetamine	974	1,118	1,189	1,200
Total	50,973	52,949	65,959	96,996

REPORTED DRUG ABUSE DEATH MENTIONS

	1984	1985	1986	1987
Heroin	1,499	1,315	1,549	1,572
Cocaine	604	643	1,092	1,696
Barbiturates/sedatives	452	424	459	426
Diazepam	279	315	317	312
PCP	226	195	245	249
Amphetamine	81	77	62	62
Methamphetamine	11	64	114	141
Marijuana	59	24	12	146
Methaqualone	1	8	4	6
Total	3,212	3,065	3,854	4,610

Cocaine

The Drug Abuse Warning Network (DAWN) annual data indicated 314 cocaine abuse deaths in 1983, 604 in 1984, 643 in 1985, 1,092 in 1986, and 1,696 in 1987. In 1983, cocaine abuse resulted in 7,194 hospital emergency mentions; in 1984, 10,996 mentions; in 1985, 13,501 mentions; in 1986, 24,847 mentions; and 46,331 mentions in 1987.

One contributing factor to these trends may be the use of crack. Crack is cocaine freebase. It comes in rock or chunk form, is smoked and therefore is easy to use. Crack is also readily available and is inexpensive. For these reasons, crack is particularly attractive to young people.

According to the 1986 survey of high school seniors, conducted by the University of Michigan and sponsored by the National Institute on Drug Abuse, 16.9 percent had used cocaine. Students who reported use of cocaine in the prior twelve months were asked if they had used cocaine in crack form. Approximately one in twenty-five seniors (4.1%) reported that some experience with crack during the past year. The students indicating they had used crack came from small cities and non-urban communities, as well as the larger cities.

The 1987 survey indicated that 15.2 percent of high school seniors had tried cocaine and 5.6 percent had tried crack specifically. Perhaps most significant, however, is the fact that the proportion of schools in the survey reporting at least some students using crack increased from fifty percent to seventy five percent between 1986 and 1987.

The use of crack is especially alarming, because it is highly addictive. Smoking cocaine freebase is dramatically more potent to the user because it is purer. Moreover, smoking more rapidly delivers a more powerful level of the alkaloid to the blood stream via the lungs than does snorting cocaine. Consequently, crack is more likely to produce dependency rapidly.

DAWN data for 1986 indicated not only an increase in cocaine-related drug related emergency room admissions and deaths, but an increase in the proportion of cases where cocaine was smoked. This would suggest the use of crack. Of the 24,847 cocaine-related emergency room mentions, reported in 1986 by DAWN, in 21.4 percent the means of administration of the drug reported was smoking. In 1987, of the 46,331 cocaine emergency room mentions, 29.9 percent indicated that cocaine had been smoked. In contrast, in 1983, the annual data indicated 7,194 cocaine emergency room cases with only 2.2 percent of the cases attributable to cocaine that had been smoked.

The chart below provides a city-by-city breakdown of 1986 and 1987 cocaine emergency room episodes, according to the percentage administered by smoking, for 27 metropolitan areas reports to DAWN.

PERCENTAGE OF COCAINE EMERGENCY ROOM MENTIONS REPORTING SMOKING AS MEANS OF
ADMINISTRATION FOR 27 METROPOLITAN AREAS IN 1986 AND 1987

	1986	1987
Los Angeles	30.6	29.8
Miami	35.1	21.0
Detroit	36.3	52.2
Indianapolis	7.7	4.9
Minneapolis	17.1	26.3
San Diego	14.9	13.9
New York	26.2	37.9
Cleveland	11.8	24.3
Denver	6.8	12.4
Chicago	16.5	25.0
Oklahoma City	14.7	33.7
Seattle	18.0	21.0
Kansas City	22.8	34.7
Phoenix	3.8	8.2
Philadelphia	13.3	26.4
Atlanta	7.3	17.2
Boston	9.6	17.3
San Francisco	14.5	30.6
Newark	27.1	23.3
New Orleans	5.6	23.8
District of Columbia	14.6	35.5
Dallas	9.4	15.5
Baltimore	2.8	3.9
Buffalo	1.8	14.7
San Antonio	0.0	2.6
Norfolk	1.3	11.9
St. Louis	8.2	20.2
Total SMSA	21.4	29.9

SMSA—Standard Metropolitan Statistical Areas.

Source: NIDA, DAWN Emergency room mentions, 1986 and 1987 annual data.

In New York City, the number of cocaine related emergencies increased 10 percent between 1984 and 1985, from 2,472 to 2,729. In 1986, there was a dramatic upsurge in the number of emergency room admissions. Between the first 9 months of 1985, and the comparable period in 1986, the number of episodes increased 63 percent from 1,962 to 3,206. A comparison of the first 9 months of 1986 and of 1987 indicates a 59 percent increase in cocaine-involved emergencies, from 2,814 to 4,473.

Admissions to treatment in the New York City area also illustrate the progression of the cocaine and crack problem. In recent years, the number of treatment admissions to state-funded programs in New York City with cocaine as the primary drug of abuse have been increasing steadily. Between 1985 and 1986, however, there was an increase of 87 percent, from 4,348 admissions to 8,140 admissions. In 1987, cocaine treatment admissions increased 18 percent over 1986 to 9,588. Contributing to the increase was the growing proportion of clients indicating smoking as the primary route of administration. In 1987, 65 percent of cocaine admissions in New York indicated smoking as the primary route of administration.

Another alarming phenomenon, seen in New York and other cities, is the increasing number of mothers indicating drug use, especially cocaine use, during pregnancy. In 1979, 11 percent of women who reported drug use during pregnancy had used cocaine;

but in 1985, 51 percent indicated cocaine use. Of 3,066 births to drug-using women in 1986, 66 percent used cocaine.

With the continued influx of cocaine into the country, the prospects for any change in this situation in the near future are not promising. Moreover, because of the lag time in the reporting of drug statistics and the time lapse between initial drug use and observed effects, the level of drug trafficking and abuse indicated by current statistics may underestimate the severity of the problem at the present time.

Heroin

In 1985, the Committee estimated that there were approximately 550,000 active heroin addicts and users in the United States and that 11 tons of heroin were available that year to create and sustain this pattern of use. This trend continued in 1986, with an estimated 12 tons of heroin entering the United States, sustaining approximately 600,000 active heroin addicts and users. In 1987, this pattern persists and has been further exacerbated by the link between intravenous drug abuse, which most often is heroin abuse, and AIDS.

Heroin-related hospital emergency admissions and deaths have continued to increase. In 1983 the Select Committee reported 12,456 heroin hospital emergency overdose episodes and 1,188 deaths. For 1984, 13,555 hospital emergency overdose episodes and 1,499 deaths were reported to the Committee. In 1985, 14,696 heroin hospital overdoses emergency mentions and 1,315 heroin death mentions were reported to DAWN. An additional 512 drug dependent deaths were reported by the New York City Department of Health. This situation continued in 1986 with 15,382 heroin-related emergency room mentions and 1,549 heroin-related death mentions reported to DAWN. In addition, the New York City Department of Health reported 601 cases of drug dependent mortality. In 1987, 18,566 heroin-related emergency room mentions and 1,572 heroin related death mentions were reported for the total DAWN system. New York reported 781 deaths in 1987, due to chronic or acute intravenous narcotism, a 30 percent increase over 1986.

The combining of cocaine and heroin continues to be one of the two-way drug combinations mentioned most frequently in emergency room episodes. There were 3,788 such cases reported in 1986 and 6,464 in 1987.

Admissions to drug treatment reflect as persisting heroin problem. Although in 1986, a number of States reported cocaine and marijuana treatment admissions exceeding heroin admissions, 98,549 treatment admissions were for heroin abuse. Thus, heroin treatment admissions still constitute the primary drug of abuse for the largest number of admissions.

Marijuana

The importation and illicit domestic cultivation of marijuana continued at significant levels in 1987 and 1988. Marijuana/hashish emergency room mentions increased dramatically from 6,046 in 1986 to 10,083 in 1987. Marijuana/hashish mentions in drug-related deaths increased from 12 in 1986 to 146 in 1987. In emergency

room cases, marijuana was mentioned most often in combination with alcohol, cocaine, and PCP.

Psychotropic drugs

During 1986, in addition to the traffic and abuse of the three basic natural narcotic substances—cocaine, heroin, and marijuana—the widespread illicit manufacture, trafficking and abuse of the psychotropic drugs—PCP, methamphetamine, and LSD—continued in the United States. In 1986, it was estimated that 7 million people abused the various stimulants, depressants or hallucinogenic forms of the psychotropic substances. This trend appears to be continuing in 1988.

In 1987 diazepam was ranked sixth among drugs mentioned most frequently by both medical examiners and emergency rooms. PCP ranked fifth in emergency room mentions and eighth among drugs mentioned by medical examiners. There were almost 1,500 LSD, 2,500 barbiturate/sedative emergency room mentions and 426 barbiturates/sedatives mentions.

The illicit domestic manufacture of these substances constitutes a significant problem. The total number of clandestine illicit narcotic and psychotropic laboratories seized in the United States has continued to rise steadily from 183 in 1981, to 682 in 1987, to a preliminary report of 755 labs in 1988.

DOMESTIC ILLICIT NARCOTIC AND PSYCHOTROPIC DRUG CLANDESTINE LABORATORY SEIZURES

	1981	1982	1983	1984	1985	1986	1987	* 1988
Methamphetamine	89	132	122	106	206	310	562	618
PCP	35	47	47	12	21	7	11	20
Amphetamine	14	18	25	14	43	67	66	78
Methaqualone	13	7	11	3	5	4	1	4
PCE	0	1	1	1	0	0	0	0
P2P	0	6	7	7	21	21	19	11
PHP	0	0	2	0	0	0	0	0
DMT	0	1	1	0	0	0	0	0
MDA	0	3	5	0	3	3	1	5
Fentanyl	0	0	0	0	0	3	1	0
Psilocybin	0	0	2	1	1	0	0	2
LSD	4	0	0	0	0	0	0	0
Mescaline	1	2	0	0	0	0	0	0
Cocaine	5	6	10	16	26	21	0	9
Heroin	0	0	2	2	0	0	17	0
Methadone	0	1	1	0	0	0	0	0
Hashish oil	0	0	4	1	0	0	0	0
Other hallucinogens	10	0	0	0	0	0	0	0
All others	12	0	0	0	2	8	0	8
Total	184	224	226	163	329	442	682	755

* Preliminary lab seizure statistics.

AIDS/IV DRUG ABUSE

The AIDS (Acquired Immunodeficiency Syndrome) epidemic continued in 1988. Intravenous drug users remained the second most common means of transmitting the AIDS (HIV) virus. By November 1988, the Centers for Disease Control reported more than 78,000 AIDS cases. Of these, over one-fourth were associated with

intravenous drug abuse. Among women with AIDS, half are intravenous drug users, and the sexual partners of intravenous drug abusers are the second highest risk category. Moreover, of the more than 1,200 pediatric AIDS cases, the overwhelming majority are attributable to parental IV drug use.

Geographically, most IV drug use related AIDS cases are still found in New York and New Jersey. Cases of pediatric AIDS follow the same distribution pattern.

Within New York City, the New York State Division of Substance Abuse Services continues to report that intravenous drug use is the major risk factor in the spread of AIDS, especially when needles, syringes, swabs, and other drug-related instruments contaminated with the HIV virus are shared. Given the fact that the vast majority of heroin addicts use the drug intravenously, many of whom share needles, those individuals are at high risk of contracting AIDS. Between April 1987 and April 1988, the number of AIDS cases in New York City increased by 41 percent. The percentage of heterosexual IV drug users has increased from 30 to 32 percent and an additional 5 percent are homosexual/bisexual IV drug users.

The most effective way to reduce the incidence of AIDS among IV drug users and the risk of spreading this disease is to ensure that IV drug users are provided treatment and are helped to remain drug free. H.R. 3292, the "Intravenous Substance Abuse and AIDS Prevention Act", introduced in 1987, addressed this need. The underlying concerns of this bill were incorporated into the Anti-Drug Abuse Act of 1988. The 1988 omnibus drug legislation earmarks treatment funds for intravenous drug abusers and institutes several demonstration and model grants programs for those most at risk, e.g., pregnant women and their infants.

TRENDS IN TREATMENT ADMISSIONS

Treatment admissions statistics are yet another indicator of the extent of the narcotics drug problem. For fiscal year 1985, the National Association of State Alcohol and Drug Abuse Directors (NASADAD) received reports of treatment admissions from 46 State agencies, the District of Columbia, Guam and Puerto Rico. They report 305,360 drug client treatment admissions. In 1986, NASADAD received information from 45 State agencies, the District of Columbia, Puerto Rico, and the Virgin Islands and reported a total of 385,593 drug client admissions. In 1987, 47 States, the District of Columbia, Guam, and Puerto Rico reported a total of 450,553 drug treatment admissions.

Of the 305,360 admissions in 1985, 274,861 drug client admissions could be categorized by type of treatment. Forty-six agencies reported 12,586 admissions to hospitals, 52,925 to residential facilities and 209,350 to outpatient environments. In terms of treatment modality, 41,973 client admissions were for detoxification, 38,460 were for maintenance and 195,197 were for drug-free types of treatment services. In 1986, of the 364,773 admissions categorized, 17,727 were admissions to hospitals, 68,687 were to residential facilities and 278,368 were to outpatient facilities. In terms of treatment modality, 45,236 were for detoxification, 38,294 were for maintenance and 281,243 were for drug-free types of services. Of the 450,553 treat-

ment admissions reported in 1987, 30,251 were to hospitals, 83,542 to residential facilities, 315,328 to outpatient programs, and 21,432 were not specified. Admissions by treatment modality included: 66,900 admissions for detoxification, 43,599 for maintenance, and 313,902 for drug-free treatment.

Of the 48 States, the District of Columbia, and Puerto Rico reporting admissions data by sex in 1987, 61.3 percent of the drug client admissions were male, 31.2 percent were female, and 7.5 percent did not indicate their sex. Forty-three States, the District of Columbia, Guam and Puerto Rico reported admissions by age. The breakdown by age was 14.3 percent under age 18; 7.2 percent 18-20 years old; 12.3 percent 21-24 years old; 33.5 percent 25-34 years old; 12.6 percent 35-44 years old; 2.3 percent 45-54 years old; 0.7 percent 55-64 years old; 0.3 percent age 65 and over; and 16.8 percent not reported.

Client admissions by race/ethnicity were reported in 1987 by 46 States, the District of Columbia, Puerto Rico and Guam. The breakdown was as follows: 48.3 percent White, not of Hispanic origin; 20.7 percent Black, not of Hispanic origin; 9.8 percent Hispanic; 0.4 percent Asian or Pacific Islander; 0.9 percent American Indian; 0.2 percent other; and 19.8 percent not reported.

Heroin still constituted the primary drug of abuse, according to drug client admissions by drug of choice—a total of 98,549 admissions. The total of cocaine admissions increased substantially to 84,707. Between 1985 and 1987, cocaine admissions doubled. Marijuana/hashish admissions ranked third at 63,740 admissions.

Thirty-five States, the District of Columbia, and Guam provided NASADAD with estimates of the total number of IV drug users. The highest estimates were provided by New York (260,000), California (222,000), and Texas (180,700). The total number of IV drug users reported was 1,394,553.

The number of drug client treatment admissions according to primary drug of abuse are presented in the following chart. Information was available on 267,615 admissions in 1985, 390,241 admissions in 1986, and 450,553 in 1987.

TREATMENT ADMISSIONS BY PRIMARY DRUG OF ABUSE

	1985	1986	1987
Heroin	89,456	87,717	98,549
Other non-Rx methadone	1,637	1,547	1,483
Opiates/synthetics	13,966	12,032	10,431
Barbiturates	2,974	2,884	2,570
Tranquilizers	3,936	3,974	4,532
Other sedatives/hypnotics	2,772	3,412	2,761
Amphetamines	15,185	16,687	16,952
Cocaine	39,837	58,087	84,707
Marijuana/hashish	62,225	77,682	63,740
PCP	11,432	9,040	8,454
Other hallucinogens	2,346	3,022	2,723
Inhalants	1,716	1,716	1,734
Over the counter	570	512	530
Other	18,368	47,193	51,743
Not reported		65,254	99,644
Total	267,615	390,241	450,553

The NASADAD study also sought to determine where additional treatment resources were needed. In 1987, the needs identified included: expanded treatment and prevention services for youth; services for other special populations, including the elderly, criminal offenders, and the handicapped; additional prevention and early intervention services; an increased number of program staff; higher salaries and additional staff training; and additional resources to meet the need for detoxification services.

New York City treatment admissions statistics indicate the severity of the drug problem and the demand for treatment. In 1987 these figures again showed an increase in treatment admissions for cocaine. The number of treatment admissions to state-funded treatment programs in New York City with cocaine as the primary drug of abuse increased seven percent between 1982 and 1983 (from 1,804 to 1,936). Between 1983 and 1984, the number increased a dramatic 63 percent (from 1,936 to 3,159). Between 1984 and 1985 there was a 36 percent increase (from 3,159 to 4,348). Between 1985 and 1986, the increase was most dramatic with 8,140 admissions, an increase of 87 percent. Cocaine treatment admissions reached 9,588 in 1987. Treatment programs funded by the State have continued to operate at capacity or above. In 1987, cocaine admissions represented 37 percent of all treatment admissions to State-funded programs, as compared to 34 percent in 1986.

New York City treatment admissions with cocaine as primary drug of abuse

Year:	Number of admissions
1982	1,804
1983	1,936
1984	3,159
1985	4,348
1986	8,140
1987	9,588

Source: New York State Division of Substance Abuse Services.

Heroin admissions to state-funded treatment programs in New York City have declined steadily since 1982, but have stabilized in recent years. Heroin admissions still, however, represent 41 percent of treatment admissions to New York City programs. These declining admissions probably relate to the fact that most treatment programs, especially methadone programs, have been operating at capacity or above. State-funded programs of all modalities with a capacity of 31,804 in New York City were operating at 103 percent capacity in December 1987. State-funded methadone programs were operating at a capacity of 106 percent with a census of 25,499 clients and a waiting list of 1,109.

New York City treatment admissions with heroin as primary drug of abuse

Year:	Number of admissions
1984	13,260
1985	12,863
1986	11,223
1987	10,773

Source: New York State Division of Substance Abuse Services.

NATIONAL DRUG POLICY COORDINATION

On March 26, 1987, the National Drug Policy Board (NDPB) was established by Executive Order 12590. This Board expanded the National Drug Enforcement Policy Board, created under the National Narcotics Act of 1984, Title II of the Comprehensive Crime Control Act of 1984 (P.L. 98-473), to include the development and coordination of demand side drug policy issues as well as supply side concerns.

The Board is chaired by the Attorney General. The Secretary of Health and Human Services is the vice chair. Members of the Cabinet, the Director to the Office of Management and Budget, the Director of the White House Drug Policy Office, and the Director of the CIA comprise the Board.

Under the Board are two coordinating groups, one on drug enforcement and one on drug abuse prevention and health.

Nine Lead Agency Committees were designated in May of 1987. The five committees under the Drug Enforcement Coordinating Group are: International, Intelligence, Interdiction, Investigation, and Prosecution. The four committees designated under the Drug Abuse Prevention and Health Coordinating group are: Prevention/Education, Mainstream Adults, High Risk Youth and Treatment.

On December 8, 1987, the Select Committee held a hearing on the status of the Administration's anti-drug strategy. The Committee was told that the National Drug Policy Board would be making recommendations to the President early in 1988.

In March, 1988, the National Drug Policy Board staff transmitted copies of the drug strategy reports of the Lead Agency Committees of the NDPB to the Select Committee. These reports were depicted as strategy implementation documents. The Select Committee reviewed the strategy documents with representatives of the Administration, Francis A. Keating II, Assistant Treasury Secretary for Enforcement, and Don M. Newman, Under Secretary of Health and Human Services, on April 14, 1988.

The Anti-Drug Abuse Act of 1988 abolishes the National Drug Policy Board. It establishes the Office of National Drug Control Policy in the Executive Office of the President, to be headed by a full-time, Cabinet-level Director. The legislation requires the yearly submission to Congress of a National Drug Control Strategy and the development of a National Drug Control Program budget proposal for each fiscal year.

CONCLUSION

Whether one looks at overall trends or annual statistics, the problems of drug trafficking and abuse remain serious. In fact, the statistics indicate only the tip of the iceberg. Most are reported voluntarily. DAWN data are not only based on voluntary reporting, but include information from only 27 metropolitan areas. While drug abuse may be a more severe problem in major metropolitan areas, the problem exists across the country. Thus, the picture of the extent of drug abuse given by these figures is only a partial one. Illicit drug production figures and seizure data are problematic at best. Therefore, actual dimensions of the nation's drug problem are more than likely even greater than the statistics indicate.

THE ANTI-DRUG ABUSE ACT OF 1988, P.L. 100-690

OVERVIEW

1988 was another significant year for legislative efforts to control drug abuse and drug trafficking. For the second time in as many years, Congress enacted comprehensive legislation to address all aspects of the nation's drug problems, providing new tools and additional resources to combat international narcotics traffic, improve drug interdiction and law enforcement, and expand drug abuse treatment, prevention, and education.

Enactment of omnibus anti-drug legislation was the last major priority of the 100th Congress. Congress completed action on H.R. 5210, the Anti-Drug Abuse Act of 1988 on Saturday, October 22, 1988, in the waning hours of the 100th Congress. President Reagan signed H.R. 5210 into law (P.L. 100-690) on Friday, November 18, 1988.

As in 1986 when Congress enacted an omnibus drug package, passage of the Anti-Drug Abuse Act of 1988 is a tribute to the bipartisan leadership in the House and the Senate. Once again, the House Democratic and Republican leadership initiated the drafting of this new drug bill. The Select Committee on Narcotics Abuse and Control was again given the opportunity to play a unique role in the development of this legislation. The Committee served as a resource for the House leadership, the standing committees of the House and individual Members during the formulation of this measure and directly assisted the House leadership when H.R. 5210 was debated on the House floor.

The Anti-Drug Abuse Act of 1986 (P.L. 99-570) provided for the first time a comprehensive legislative response to the crisis of drug abuse and drug trafficking affecting our nation. That historic legislation was a bold beginning toward the goal of establishing an effective national strategy to fight drugs, providing \$1.6 billion in new Federal funds and a host of new legal tools for anti-drug efforts across the board. But Congress recognized that the 1986 Act was only a first step, that much more work remained.

Indeed the past two years have been disappointing from the standpoint of narcotics control. Despite the added resources and authorities in the 1986 law, drug problems have continued to grow.

The State Department's annual international narcotics control strategy reports confirm that the production of illicit narcotics crops abroad continues to escalate unabated and that the power of ruthless, international drug cartels threatens the survival of some fragile democratic governments in our hemisphere. The amount of illicit drugs crossing our borders continues to increase. Our cities, neighborhoods, and schools are inundated with drugs that are readily accessible, cheaper and more potent than ever before.

The demand for drug abuse treatment far exceeds the capacity of existing programs. Waiting lists are common. The lack of services is exacerbated further by the continuing "crack" cocaine epidemic and the growing problem of AIDS related to intravenous drug abuse.

Prevention and education offer the best hope for a long-term solution to drug abuse, but it will take years for these efforts to yield results.

Unlike 1986, when the cocaine overdose death of University of Maryland basketball star Len Bias shocked the nation into action, there was no single event in 1988 that triggered public outcry for stronger Federal efforts against drugs. Rather, a number of factors and trends seemed to sharpen the public's perceptions of, and concerns about, the drug problem.

The Select Committee's hearings in 1987 and 1988 documented several of these phenomena, for example: the growing number of seriously damaged babies born to cocaine-addicted mothers; the spread of AIDS via intravenous drug abuse, including the transmission of AIDS to the unborn; the increased violence of drug gangs fighting for control of profitable markets in urban neighborhoods; the growing involvement of youth in drug dealing; the public debate over legalization of drugs; the corruption and intimidation of public officials in Latin America and the Caribbean; and the brazen efforts of drug traffickers to intimidate U.S. law enforcement, symbolized by the assassination of Edward Byrne, a rookie New York City Police Officer, as he guarded the home of a key prosecution witness in a drug trial.

By the early part of 1988, all of these elements and more contributed to put drug abuse and drug trafficking at the top of the list of Americans' concerns, according to public opinion polls.

Against this backdrop of escalating drug problems and intensified public concern, House Speaker Jim Wright, on May 2, 1988, convened a meeting of House committee chairman with jurisdiction over drug abuse and drug trafficking issues. The purpose of the meeting was to discuss additional measures the House could enact before the end of the 100th Congress that would build upon and improve the 1986 omnibus anti-drug package. Each committee chairman presented a short summary of pending legislation or issues under consideration in his committee that could be included in a new omnibus drug bill. The Speaker designated Majority Leader Thomas Foley to coordinate House efforts to write a new drug bill and to work closely with Republican Leader Robert Michel to develop a bipartisan consensus on this new legislation. A target date of June 21 was set for committees to report out the individual provisions they would recommend for inclusion in the omnibus measure.

On May 9, Speaker Wright issued a statement announcing the new steps underway in the House to address the drug problem. He said he had met with the chairman of the committees of jurisdiction the week before and asked them "to expedite consideration of such new measures as recent experience shows to be needed." Further discussing the need for prompt action, he said:

The menace of illegal drugs is growing worse. It endangers our schools, our workplaces, our streets, and sometimes our families. We must defend the American people against this scourge. We cannot sit by as the United States loses the war against drugs. The experience of the last two years has been helpful. We must build upon it.

Over the course of the next several weeks, the various standing committees involved in this process met to mark up and report legislative proposals for a comprehensive drug package. In keeping with leadership directives, an effort was made by the committees to work on a bipartisan basis in putting together their legislative recommendations. Many committees were able to report by the June 21 target date, but some of the panels dealing with highly controversial issues did not complete work on their proposals until just after the July 4 district work period.

During this same period of time, a parallel effort was underway by House Republicans to develop comprehensive anti-drug proposals. At the direction of House Minority Leader Robert Michel, the Republican Task Force on Drugs was formed in late March, a group of 55 Republican House Members representing every committee. On June 16, 1988, the Republican Task Force on Drugs introduced H.R. 4842, the Comprehensive Anti-Drug Act of 1988. This measure included recommendations for drug demand reduction and user accountability, drug law enforcement, international drug control and interdiction improvement. A number of these proposals were incorporated or modified by the standing committees during the process of making up legislation for inclusion in the bipartisan, House leadership omnibus drug bill. Other highly controversial measures, such as the death penalty for drug kingpins and modification of the exclusionary rule were not approved at the committee level.

The weeks between the July 4 and the August district work periods were spent assembling a core omnibus drug bill from the recommendations proposed by the standing committees and the Republican Task Force on Drugs. During this period, the House leadership and the committees worked to resolve as many jurisdictional conflicts and policy differences as possible and to establish a bipartisan agreement on issues and procedures for floor debate.

On August 8, the Rules Committee met to consider the nearly 150 amendments filed on the omnibus drug package. The Committee granted a rule for the consideration of an omnibus anti-drug initiative on Wednesday, August 10, making in order only those amendments printed in the Committee report accompanying the proposed rule and any amendments offered by the Majority Leader after consultation with the Minority Leader.

On August 11, Majority Leader Foley and Minority Leader Michel introduced H.R. 5210, the bipartisan leadership drug bill entitled the Omnibus Drug Initiative Act of 1988. That same day the House approved H. Res. 521, the rule providing for consideration of H.R. 5210 by a vote of 363-41.

The House began floor consideration of H.R. 5210 upon its return from the August/Labor Day district work period. General debate on the bill occurred on Wednesday, September 7. The House considered amendments to the bill on September 8, 14, 15, 16 and 22. H.R. 5210, as amended, passed the House on September 22 by a vote of 375-30.

Throughout House consideration of the measure, Chairman Rangel assisted the Majority Leader in managing floor debate. Many other Select Committee members participated actively in the

debate both in their capacity as members of the Select Committee and as members of standing committees of jurisdiction.

During the course of the floor debate, several members of the Select Committee offered amendments to the bill:

Mr. Rangel—life imprisonment without parole for drug-related killings (passed, but superceded under “king of the hill” rule by Mr. Gekas’ death penalty amendment); user accountability substitute, with Mr. Dingell and Mr. Montgomery (failed).

Mr. Ortiz—to allow use of Justice Assets Forfeiture Fund to assist State and local penal facilities (failed).

Mr. Hughes—user accountability, with Mr. McCollum (passed); prohibited distribution of anabolic steroids (passed).

Mr. DioGuardi with Mr. Shaw—mandatory drug testing of certain federal probationers (passed).

Mr. Oxley—drug czar (passed, but superceded under “king of the hill” rule by Mr. Brooks’ alternative amendment); operation sting amendments to money laundering offenses (passed).

Mr. Smith of Florida—amendment to the Pepper amendment authorizing Anti-Narcotics Model Community Assistance Demonstration Grants (passed).

In addition, the leadership en bloc amendment of non-controversial provisions, offered by Mr. Foley and Mr. Michel and adopted by the House, included several amendments by Select Committee Members:

Mr. DioGuardi—drug prevention in public housing.

Mr. Hughes—allowing use of some forfeited assets for U.S. Attorneys, Organized Crime Drug Enforcement Task Forces, Federal prison construction, and certain Drug Enforcement Administration programs; benefits for DEA personnel serving abroad.

Mr. Rangel—renaming the State and Local Narcotics Control Assistance Program after slain New York City Policeman Edward Byrne.

Mr. Dornan (with Mr. Wyden)—establishing the joint EPA/DEA Task force on clandestine drug laboratories.

Mr. Akaka—requiring DEA to prepare an environmental impact statement on the use of weed oil to eradicate marijuana in Hawaii.

In addition to the provisions highlighted above, the omnibus anti-drug bill passed by the House incorporated the substance of several legislative initiatives and concepts proposed by the Select Committee. These proposals included: H.R. 2453, the National Narcotics Leadership Act, to create a full-time, high-level, drug coordinator in the Executive Branch; H.R. 4811, the Local Drug Enforcement Enhancement Amendments of 1988, to reauthorize, increase and streamline law enforcement assistance to States and localities; H.R. 3292, the Intravenous Substance Abuse and AIDS Prevention Act of 1987, to provide funds for treatment of intravenous drug abusers and other activities to prevent the spread of AIDS via intravenous drug use; proposals to increase military assistance to Colombia to fight drug trafficking, and to allow Export-Import Bank financing for certain military equipment sales to democratic countries primarily to combat narco-traffickers; and a call for a Western Hemisphere drug summit meeting.

The Senate passed H.R. 5210, with amendments, on October 14. In lieu of a formal conference, the differences between the two

versions of the bill were resolved through a series of informal negotiations among House and Senate Members, with a bicameral and bipartisan leadership panel serving as the ultimate arbiters of disputes that could not be reconciled by House and Senate negotiators. H.R. 5210 was passed in final form as the Anti-Drug Abuse Act of 1988 by both the House (346-11) and the Senate (voice vote) in the early morning hours of Saturday, October 22, 1988. The bill was signed into law (P.L. 100-690) by President Reagan on Friday, November 18, 1988.

In addition to new tools and resources for expanded anti-drug efforts in the traditional areas of drug demand and supply reduction, the law includes a number of "user accountability" provisions. Although some of the most controversial features of these amendments were modified or eliminated from the final Act, these new sanctions represent a different direction in Federal drug abuse prevention and control policy. These provisions will allow the denial of Federal benefits, including public housing, to drug users; require Federal contractors and grantees to maintain drug-free workplaces and subject them to penalties if they do not comply; permit the Justice Department to levy civil fines for possession of "personal use" amounts of drugs; and authorize a four-state pilot program to randomly test new driver's license applicants for illicit drug use and to deny driving privileges to those who test positive.

The bill also creates a Federal death penalty for certain drug-related killings. It mandates the appointment of a full-time, Cabinet-level Director of National Drug Control Policy—a so-called "Drug Czar"—to direct Federal drug policy development and implementation. Certain other controversial provisions adopted by one body or the other, such as drug testing and modification of the exclusionary rule, were dropped from the final legislation.

The Anti-Drug Abuse Act of 1988 represents another significant step toward the creation of a comprehensive Federal anti-drug strategy. The Select Committee believes Congress must exercise careful and continuing oversight of this legislation to assure that it is carried out quickly and effectively and must be ready to provide additional resources and remedies as needed to sustain and improve Federal anti-drug efforts.

A summary of the bill's highlights, a title-by-title analysis and funding summaries of the Anti-Drug Abuse Act of 1988 follow.

H.R. 5210, ANTI-DRUG ABUSE ACT OF 1988 (P.L. 100-690)

SUMMARY OF KEY PROVISIONS

Funding.—Authorizes new spending of \$2.7 billion for 1989, divided almost evenly between drug demand reduction efforts and drug supply reduction programs. Also provides new appropriations (BA) of \$991 million for 1989 which will result in about \$500 million in actual 1989 spending (outlays). The new BA and outlays for 1989 are allocated approximately 45% to demand reduction and 55% to supply reduction. Approximately \$1.7-\$1.8 billion of the amount authorized in the Act remains unfunded.

Drug Czar.—Creates an "Office of National Drug Control Policy" in the Executive Office of the President, headed by a full-time, Cabinet level Director of National Drug Control Policy. Grants director

broad authority to coordinate and oversee the Federal anti-drug effort. Requires yearly submission to Congress of a National Drug Control Strategy. Requires development of a National Drug Control Program budget proposal for each fiscal year.

International Narcotics Control.—

Calls for a Western Hemisphere drug summit.

Calls for exploration of the feasibility of a Latin American regional anti-narcotics strike force.

Allows the Export Import Bank to extend credit of up to 5% of its loan guarantee authority in connection with a sale of defense articles or services to a democratic country for primarily anti-narcotics purposes.

Provides authority to revoke passports of convicted drug dealers.

Allows limited waiver of Section 660 of the Foreign Assistance Act to provide arms, ammunition, and training to foreign police to fight drug trafficking.

Requires Secretary of State to consult with agencies and foreign governments of either cocaine producing, trafficking or consuming countries about creating an integrated regional plan to fight the international cocaine trade. Requires report to Congress in six months.

Treatment and Prevention Programs.—

Revises and extends Alcohol, Drug Abuse and Mental Health Services Block Grant for three years, authorizing \$1.5 billion for FY 1989. Establishes a new formula for distributing funds based on population and state fiscal capacity, and phases in the formula over four years. Provides set-asides for the treatment of substance abusers, for services for IV drug abusers, and for services for women and children.

Authorizes \$100 million for Secretary of Health and Human Services to make grants to reduce waiting lists for drug treatment.

Reauthorizes Office of Substance Abuse Prevention for three years and authorizes \$95 million for fiscal year 1989 and such sums as necessary for each of fiscal years 1990 and 1991.

Requires Director of Office of Substance Abuse Prevention to make grants to support model projects for pregnant and postpartum women and their children for the prevention, education, and treatment of drug and alcohol abuse.

Includes authorizations for 1989 for drug research (\$135 million), alcohol research (such sums as necessary), mental health research, drug abuse demonstration projects of national significance (\$34 million), mental health demonstration projects (\$60 million), increased veterans drug and alcohol treatment (\$15 million), cleanup of toxic wastes from illicit drug labs (\$4 million), and to help employers establish employee assistance programs (\$4 million).

Education and Prevention.—

Increases the FY 1989 authorization for the Drug Free Schools and Communities Act by \$100 million, up to \$350 million.

Authorizes a variety of new drug abuse prevention programs at the following levels for FY 1989:

\$15 million for youth gang intervention activities;
 \$40 million for community youth activity programs;
 \$15 million for runaway and homeless youth programs;
 \$16 million for teacher training activities;
 \$10 million for drug abuse education efforts for participants in the WIC program.

Drug-Free Workplaces for Federal Grantees and Contractors.—Requires Federal contractors and grantees to maintain drug free workplaces by establishing and announcing employee anti-drug policies and education programs, and by imposing sanctions on violators or requiring them to participate in treatment programs. Employer sanctions for failure to comply include suspension or termination of contract or grant payments, and debarment from future contracts or grants for up to five years.

Legalization.—Expresses sense of Congress against legalization of drugs.

Federal Drug Enforcement.—Authorizes additional funds to enhance efforts of the Drug Enforcement Administration, the FBI, the Customs Service, the Coast Guard, the Organized Crime Drug Enforcement Task Forces, the United States Marshals Service, the Federal Prison System, the United States Attorneys, the Federal Judiciary, the Border Patrol, the Bureau of Alcohol, Tobacco, and Firearms, the National Park Service, the Forest Service, and the Bureau of Land Management.

State and Local Law Enforcement Assistance.—Merges the state and local drug enforcement grant program (created under the Anti-Drug Abuse Act of 1986) and the Justice Assistance Act grant program into a new state and local law enforcement assistance program. Authorizes \$275 million for 1989, \$350 million for 1990, \$400 million for 1991 and such sums as necessary for 1992. Provides block grants for discretionary grants to assist state and local enforcement of anti-drug laws and to improve the functioning of the criminal justice system with special emphasis on violent crime and serious offenders. Establishes timetables to expedite the flow of block funds to states and localities.

User Accountability.—At the discretion of the court, Federal benefits may be denied to persons convicted of a drug distribution or possession offense.

Benefits to be denied include any contract, grant, loan, professional license provided by an agency of the United States or by appropriated funds of the United States.

Benefits exempted include any retirement, welfare, Social Security, health, disability, veteran's benefit, public housing, or other benefit for which payment or services are required for eligibility.

Allows waiver for persons convicted of drug possession if individual declares self as addict, submits to long-term treatment, or is deemed rehabilitated.

Allows for suspension of ineligibility if individual is in treatment, rehabilitated, or makes a good faith effort to secure treatment.

Requires a report from the President by May 1, 1989, on methods to implement the measure.

Denial of Federal benefits applies only for convictions after September 1, 1989.

Drugs and Public Housing.—Provides that drug-related criminal activity, including illegal drug use, by a public housing tenant, a member of the tenant's household or a tenant's guest on or near public housing premises shall be cause for termination of tenancy.

Civil Penalties.—Allows Justice Department to assess civil penalties of up to \$10,000 for possession of "personal use" amounts of marijuana, cocaine, and certain other illegal drugs. Individual has a right to an administrative hearing and may seek judicial review of the penalty in Federal district court with the protections afforded a defendant in a criminal trial.

Death Penalty.—Allows for the imposition of the death penalty for drug-related killings by (1) drug kingpins or other serious drug felons who intentionally kill or cause the intentional killing of any persons, and (2) any Federal drug felon who intentionally kills or causes the intentional killing of a law enforcement officer.

Criminal Aliens.—Provides for expedited deportation of criminal aliens who have been convicted of aggravated felonies, which include drug trafficking, and murder.

Money Laundering.—Authorizes various initiatives and sanctions to combat money laundering, including:

Requiring improved recordkeeping on certain transactions.

Clarifying Postal Service enforcement authority.

Exempting from criminal liability the acceptance of bona fide attorney's fees paid from criminally derived property.

Requiring the Secretary of Treasury to negotiate with countries whose financial institutions do business in U.S. currency for agreements to ensure that financial institutions maintain adequate records of large U.S. currency transactions and make them available to U.S. law enforcement officials.

Establishing a "tax predicate" money laundering offense which makes money laundering to evade taxes a crime.

Federal Aviation Administration Drug Enforcement Assistance.—Enhances the role of the FAA in drug enforcement and interdiction by strengthening regulations relating to aircraft registration, issuing of airman's certificates, and altering fuel systems and by authorizing civil and criminal penalties for violations of the new regulations.

Handgun Purchases.—Within one year of enactment of the legislation the Justice Department must report to Congress a description of the system it has developed to determine whether prospective handgun purchasers are convicted felons. Justice is to begin implementation of the system 30 days after report.

Habeas Corpus.—Requires expedited consideration during the First Session of the 101st Congress of legislation modifying Federal habeas corpus procedure.

Innocent Owner.—Establishes petition procedure and a legal defense whereby innocent owners may seek the return of boats, airplanes, and other conveyances seized for drug violations.

Chemical Diversion.—Establishes new recordkeeping and reporting requirements and controls on certain chemicals that can be used to produce illegal drugs, and establishes penalties for diversion of chemicals into illegal drug manufacture.

Random Drug Testing of New Drivers.—Authorizes \$5 million for a four state pilot program to randomly test new driver's license applicants for illicit drug use. Applicants testing positive shall be denied driving privileges for at least a year. Reinstitution available after three months subject to testing on a regular basis for nine months with no subsequent positive test result.

Suspension of Drivers' Licenses.—Provides for the suspension of a driver's license and other penalties for drunk or drugged driving in the special maritime and territorial jurisdiction of the United States. Creates implied consent to test motor vehicle operators in these Federal areas for alcohol or drugs when stopped for drunk or drugged driving. Revokes operating privileges in these areas for one year for refusal to take such a test.

Drunk Driving Prevention Programs.—Provides grants to states that adopt and implement drunk driving prevention programs that include measures to improve effectiveness of enforcing laws to discourage individuals from operating vehicles while under the influence of alcohol.

Alcohol Warning Labels.—Requires the container of any alcoholic beverage for sale and distribution in the United States to bear a label warning of alcohol's health risks, including the risks to a pregnant woman and her unborn child, and of the risk of impairment in driving a car and operating machinery.

Child Pornography and Obscenity.—Strengthens Federal child pornography and obscenity laws.

TITLE-BY-TITLE ANALYSIS

TITLE I—COORDINATION OF NATIONAL DRUG POLICY

SUBTITLE A: NATIONAL DRUG CONTROL PROGRAM: "NATIONAL NARCOTICS LEADERSHIP ACT OF 1988"

Establishes Office of National Drug Control Policy in the Executive Office of the President headed by a full-time Cabinet-level Director of National Drug Control Policy.

The Director will be appointed by the President, confirmed by the Senate, and serve at the pleasure of the President. The Director will be assisted by the Deputy Director for Demand Reduction and the Deputy Director for Supply Reduction who are to be appointed by the President and confirmed by the Senate.

The responsibilities of the Director include:

- Advising the National Security Council on national drug control policy;

- Establishing policies, objective, and priorities of the National Drug Control Program;

- Promulgating an annual National Drug Control Strategy, the first one to be submitted by the President to Congress no later than the 180 days after the Director is confirmed and no later than February 1 each subsequent year;

- Developing for each fiscal year, with the advice of the program managers of departments and agencies, a consolidated National Drug Control Program budget;

- Coordinating and overseeing implementation of policies by agencies;

Recommending management and personnel changes necessary to implement the strategy;

Consulting with State and local governments;

Appearing before constituted Committees of the Congress to represent the drug policies of Administration;

Notifying agencies when they are not in compliance with strategy.

The head of each National Drug Control Program Agency will provide the Director with such information as needed for drug control.

Establishes the Bureau of State and Local Affairs within the Office of National Drug Control Policy, headed by an Associate Director for National Drug Control Policy. The Associate Director shall be appointed by the President and is subject to Senate confirmation.

Permits the Director to designate, after certain specified consultations, any specified area of the United States as a high intensity drug trafficking area. That area may then receive increased Federal assistance, including temporary reassignment of Federal personnel.

Lead Agencies.—President shall designate lead agencies with areas of principal responsibility for carrying out the National Drug Control Strategy.

Terminates National Drug Enforcement Policy Board, National Border Interdiction System, and White House Drug Abuse Policy Office.

Requires Presidential Reorganization Study to determine the necessity to group, coordinate, consolidate agencies and functions of the Federal government involved in supply reduction and demand reduction.

Sunset provision terminates Office of National Drug Control Policy, 5 years after date of enactment.

Authorizes \$3.5 million for fiscal year 1989, and such sums as necessary for each of 4 succeeding years.

Effective date: January 21, 1989.

SUBTITLE B—DEPARTMENT OF JUSTICE CIVIL ENFORCEMENT ENHANCEMENT: "JUSTICE DEPARTMENT ORGANIZED CRIME AND DRUG ENHANCEMENT ACT OF 1988"

Requires Director of National Drug Control Policy, in consultation with the Attorney General, to report to Congress, within 1 year of enactment of title, on the necessity to establish a new division or make other organizational changes within the Justice Department to promote better civil and criminal law enforcement. The report shall include appropriate legislative recommendations.

Requires Attorney General to ensure that the Justice Department components responsible for organized crime and controlled substance prosecutions attach high priority to the enforcement of civil statutes creating ancillary sanctions and remedies.

Funds in addition to 1989 funding:

Authorizes \$3 million for salaries and expenses of Department of Justice General Legal Activities Account for fiscal year 1989,

Authorizes \$3 million for salaries and expenses for United States Attorneys for fiscal year 1989, and

Requires Attorney General to report to Congress on need for enhancement efforts, at the end of each fiscal year.

Requires Attorney General to submit a separate appropriations request for expenses relating to Federal agencies participating in Organized Crime Drug Enforcement Task Forces. These appropriations will be made to the Department of Justice Interagency Law Enforcement Appropriation Account to make reimbursements to agencies as necessary.

TITLE II—TREATMENT AND PREVENTION PROGRAMS

SUBTITLE A: PROGRAMS RELATING TO PUBLIC HEALTH SERVICE ACT

Chapter 1: Reauthorizes, Revises and Extends Alcohol, Drug Abuse and Mental Health Services (ADMS) Block Grant

Authorizations.—Authorizes \$1.5 billion for ADMS block grant for fiscal year 1989 and such sums as necessary for each of fiscal years 1990 and 1991. Directs HHS Secretary to set aside 5 to 15 percent for technical assistance; research on community-based alcohol, drug abuse, and mental health programs; and substance abuse and mental health data collection.

Formula.—Changes ADMS formula for allotting funds to the States to one based on urban population, age groups most at risk (in need of services), and the most recent 3-year average of total taxable resources of the State. Phases in new formula over 4 years.

Treatment Set-Aside, 1989.—Requires States to use ADMS funds appropriated in this Act only for substance abuse programs, with not less than 50 percent of these funds to be used for treatment programs for intravenous drug abuse.

Construction.—Authorizes Secretary of Health and Human Service (HHS) to grant waivers to permit States to use substance abuse funds for construction of new, or rehabilitation of existing, facilities but not for land acquisition, provided States demonstrate that adequate treatment cannot be provided through existing facilities and alternatives are not available.

IV Drug Abuse.—Permits States to use ADMS funds to develop, implement, and operate treatment programs for intravenous drug abusers, with priority given to those programs treating HIV infected individuals; to train counselors to provide such treatment; and to engage in outreach activities to encourage such individuals to undergo treatment. Prohibits States from using these funds for bleach or sterile needle distribution programs or to provide HIV testing except with appropriate pre- and post-testing counseling.

Administrative Expenses.—Reduces from 10% to 5% the amount of ADMS funds states may use for administrative purposes.

New Mental Health Services.—Requires States to use 55% of ADMS funds allotted to mental health for 1991 to develop new community mental health services and programs. States may request a waiver reducing the new services requirement to 35% by 1991 increasing to 55% by 1994.

Intrastate Allocations.—Requires States to use 90 percent of ADMS funds for mental health, alcohol, and drug abuse activities

prescribed under the Act in proportion to prior years' spending levels.

Set-Aside For IV Drug Services.—Requires States to set aside not less than 50 percent of funds allocated for drug abuse activities to treat intravenous drug abuse, for FY 1990 and thereafter.

Maintenance of Effort.—States must maintain State drug, alcohol, and mental health services expenditures at not less than the average of such state expenditures for the prior two fiscal years.

Technical Assistance.—Authorizes Secretary of HHS to provide technical assistance, without charge, to States or designated public or private nonprofit entities, to plan, develop, and operate programs under comprehensive mental health plan.

Services research.—

Requires Secretary of HHS through the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse to evaluate alcohol and drug abuse treatment programs.

Requires the Secretary of HHS through the Director of the National Institute on Mental Health to develop and maintain an ongoing program of research on community mental health services.

Set-Aside for Women and Children.—Requires a set-aside of at least 10 percent of a State's ADMS funds for programs and services for women, especially pregnant women and their dependent children, and demonstration projects to provide residential treatment services to pregnant women.

Mental Health Set-Aside.—Of the amount used for mental health services, 10 percent is to be set aside for services and programs for seriously emotionally disturbed children. By the end of fiscal year 1990 not less than 50 percent of this amount is to be used to provide new or expanded services.

Required Agreements.—Establishes new requirements States must meet in order to receive ADMS funds including agreements to help ensure that intravenous drug abusers receive treatment, to target ADMS funds to areas of greatest need for treatment or with the highest prevalence of drug abuse, to provide data, and to devise a plan to treat all persons who seek such services if sufficient resources are available.

Mental Health Council.—Requires each State to establish and maintain a State mental health planning council.

Group Homes.—To receive funds under ADMS block grant program, States must establish directly, or through a grant or contract to a nonprofit entity, a revolving fund of not less than \$100,000 to establish group homes to house recovering alcohol and drug abusers.

Chapter 2: Revises and Extends Certain Programs

OSAP.—Reauthorizes Office for Substance Abuse Prevention (OSAP) for 3 years.

Authorizations.—Authorizes \$95 million for fiscal year 1989, and such sums as necessary for FY 1990 and FY 1991 for OSAP, including the Alcohol and Drug Abuse Information Clearinghouse, the High Risk Youth Grants Program, and Model Projects for Preg-

nant Women. Not more than \$5 million for a fiscal year is to be allocated for certain clinical training programs.

Data Collection.—Requires Secretary of HHS to collect, annually, data on the incidence and prevalence of substance abuse and mental illness nationwide and in various metropolitan areas.

Waiting List Reduction.—Authorizes \$100 million for Secretary of HHS to award grants to public and nonprofit entities to reduce waiting lists for drug treatment.

Model Projects for Pregnant Women.—Authorizes the Director of the Office for Substance Abuse Prevention to support model drug and alcohol abuse prevention, education and treatment projects for pregnant and post-partum women and their infants.

Demonstration Grants.—Creates program of drug abuse demonstration grants of national significance.

Authorizes Administrator of the Alcohol Drug Abuse and Mental Health Administration to contract with public and private entities for demonstration projects to:

Determine feasibility and long term efficacy of drug abuse treatment and vocational training services provided in exchange for public service.

Conduct outreach activities to IV drug abusers to prevent exposure to transmission of the AIDS virus and to encourage IV drug abusers to seek drug abuse treatment.

Provide drug abuse treatment services to pregnant and post-partum women and their infants.

Requires Secretary of HHS to establish demonstration projects that provide grants to enable States to provide effective treatment and referrals to treatment to individuals who abuse drugs, with priority given to projects in areas of high drug use and directed toward certain high risk populations.

Authorizes \$34 million for FY 1989, and such sums as necessary for FY 1990 and FY 1991, of which \$10 million will be used for public and private demonstration grants component.

Alcohol Research.—Extends authorization for research by the National Institute on Alcohol Abuse and Alcoholism for three years and provides such funds "as may be necessary".

Drug Research.—Extends for three fiscal years the authorization of appropriations for research and demonstration programs under the National Institute on Drug Abuse. Authorizes \$135 million for fiscal year 1989 and "such funds as necessary" for FY 1990 and 1991.

Mental Health Research.—Authorizes \$60 million for each of fiscal years 1989 and 1990 for a program of mental health research and demonstration projects.

Miscellaneous.—Miscellaneous amendments relating to Alcohol, Drug Abuse and Mental Health Administration, including authorizing the Administrator to award grants to acquire small instrumentation for research to public and private nonprofit entities. Authorizes \$5 million for each of FY 1989 through 1991.

Chapter 3: Reports and Studies

Mental Health/Substance Abuse Connection.—Requires Secretary of HHS to conduct study to determine relationship between mental

illness and substance abuse, develop recommendations, and report findings to Congress within 12 months of enactment of this Act.

Involuntary Commitment.—Requires Secretary of HHS to contract with an independent body to conduct a study of the current use of involuntary commitment for treatment of mental illness and to report to Congress no later than 18 months after enactment. \$1 million authorized for FY 1989.

NIH/ADAMHA.—Requires Secretary of HHS to request National Academy of Sciences to review the activities of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration to determine appropriateness of administering health service programs in conjunction with research and to determine areas of research duplication between NIH and ADAMHA. Report is required no later than 12 months after contract.

Chapter 4: Miscellaneous

Military Facilities.—Requires National Institute on Drug Abuse to coordinate the utilization of military facilities to house nonviolent persons for drug treatment with the agencies on the Commission on Alternative Utilization of Military Facilities. Requires States to establish criteria, seek providers, and assist providers in securing financing to fund programs at such facilities.

SUBTITLE B: EMPLOYEE ASSISTANCE PROGRAMS

Grants.—Requires Secretary of Labor to provide grants and to enter into contracts with employers to develop employee drug and alcohol abuse assistance programs (EAPs) and to promulgate regulations to carry out the program.

Authorizations.—Authorizes \$4 million for fiscal year 1989 and \$5 million for fiscal years 1990 and 1991 for this program.

SUBTITLE C: INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT

The Anti-Drug Abuse Act of 1986 authorized a comprehensive approach to substance abuse treatment and prevention within Indian tribes. Essentially, the 1988 omnibus drug legislation refines this program and authorizes additional funds for fiscal years 1989, 1990, 1991, and 1992. The major new program is the Urban Indian program, which authorizes the Secretary of HHS to make grants to urban Indian organizations for the provision of health-related services for prevention of, treatment of, and rehabilitation of alcohol and substance abuse in urban centers.

Authorizations.—

[In millions of dollars]

	Fiscal year—			
	1989	1990	1991	1992
Tribal action plans	1.0	1.0	1.0	1.0
Shelters:				
Construction	5.0	3.0	3.0	3.0
Staffing	3.0	3.0		

[In millions of dollars]

	Fiscal year—			
	1989	1990	1991	1992
Eradication:				
General.....	.5	.5	.5	.5
Tohonor O'odham.....	.5	.5	.5	.5
St. Regis Mohawk.....	.45	.45		
BIA Training.....	1.5	1.5	1.5	1.5
Juvenile detention centers:				
Construction.....	10.0	5.0	5.0	
Staffing.....	5.0	5.0		
Treatment centers:				
Construction.....	6.0	3.0	3.0	
Staffing.....		11.0		
Rehabilitation and follow-up services.....	9.0	10.0	12.0	13.0
Community education.....	3.0	3.0	3.0	3.0
IHS training.....	1.0	1.0	1.0	1.0
Navajo treatment center, Gallup, NM.....	.3	.2	.2	.2
Indian program.....		5.0	5.0	5.0
Contract Health Services.....	10.0	10.0	10.0	10.0
Newsletter.....	.3	.3	.3	.3

SUBTITLE D: NATIVE HAWAIIAN HEALTH CARE

Plan.—Requires Secretary of Health and Human Service (HHS) to make grant or enter into a contract with the Papa Ola Lokahi Organization to develop a comprehensive health plan for Native Hawaiians. Authorizes \$.7 million for fiscal year 1990.

Services.—Secretary of HHS is to enter into contracts or make grants to qualified entities to provide comprehensive health services to Hawaiian Natives. Authorizes \$5 million for FY 1991 and \$10 million for FY 1992.

Administration.—Provides administrative grants for Papa Ola Lokahi for implementation of plan, training, and research into diseases prevalent among Hawaiian Natives. Authorizes \$1 million for each of fiscal years 1990, 1991, and 1992.

SUBTITLE E: PROVISIONS RELATING TO CERTAIN DRUGS

Anabolic Steroids:

Forfeiture.—Any person convicted for a violation of the Federal Food, Drug and Cosmetic Act involving anabolic steroids or human growth hormone, punishable by imprisonment for more than one year, shall be subject to criminal forfeiture under the Controlled Substance Act.

Study.—Requires Comptroller General to conduct a study on the extent of anabolic steroid and human growth hormone use among high school students, college students and other adults.

Penalties.—Prohibits distribution of anabolic steroids for human use other than for medical purposes under care of a physician.

Provides penalty of not more than 3 years imprisonment, fine under title 18, or both, for distribution or possession with intent to distribute.

Provides penalty of not more than 6 years imprisonment, fine under title 18, or both for distribution or possession with intent to distribute to anyone under 18 years of age.

Butyl nitrite.—Bans production and distribution of butyl nitrite in consumer products used for inhaling or otherwise introducing butyl nitrite into the body for euphoric or physical effects.

Joint Federal Task Force on Illegal Drug Laboratories.—Establishes Task Force, appointed by the Administrators of the Drug Enforcement Administration and the Environmental Protection Agency, to formulate, establish, and implement a program for the cleanup and disposal of hazardous waste produced by illegal drug laboratories.

Based on the recommendations of the Task Force, the Administrators will issue guidelines within 180 days of enactment of Act.

The Attorney General will establish a grant program to fund, through State and local governments, demonstration projects to clean up and safely dispose of hazardous substances from illegal drug laboratories.

Earmarks \$5 million from funds appropriated for the Controlled Substances Act to fund the guidelines and demonstration grants.

Requires Administrators to report to President and Congress 270 days after enactment of Act, and periodically thereafter, on the program.

SUBTITLE F: VETERANS

Evaluation.—Requires Administrator of Veterans' Administration (VA) to conduct an evaluation of inpatient and outpatient drug and alcohol treatment programs operated by the VA. Authorizes \$1 million for fiscal year 1989 and sums as necessary for FY 1990 and 1991.

Services.—Authorizes an additional \$15 million to the VA for care and services for eligible veterans with alcohol or drug dependence or abuse disabilities.

SUBTITLE G: MISCELLANEOUS HEALTH AMENDMENTS

Amendments to Health Omnibus Programs Extension of 1988, including technical and conforming amendments.

Technical and conforming amendments to Public Health Service Act.

Creates an Advisory Board in the National Institute on Deafness and other Communication Disorders.

Technical amendments to Federal Food, Drug and Cosmetic Act.

TITLE III—DRUG ABUSE EDUCATION AND PREVENTION

SUBTITLE A—DRUG AND ALCOHOL ABUSE EDUCATION PROGRAMS

Alcohol Education.—Allows the Secretary of Education to fund innovative alcohol abuse education programs targeted at young children, especially children of alcoholics, and problems faced by children of alcoholics. Authorize grants for teacher training regarding children of alcoholics.

WIC.—Authorizes the Secretary of Agriculture to study appropriate methods for incorporating drug abuse education into the Women, Infants, and Children (WIC) program and to prepare and distribute such materials. Authorizes \$10 million for this program in FY 1989 and such sums as may be necessary in each succeeding fiscal year.

Drug-Free Schools Act Amendments.—

Increases authorization for Drug Free School and Communities Act from \$250 million to \$350 million for fiscal year 1989.

Limits to 2.5 percent the amount which may be used for administrative costs under the Governor's portion of the Drug-Free Schools and Communities Act.

Permits Governor's portion of funds to be used for intrastate drug and alcohol abuse education and prevention centers.

Allows up to 10% of the youth who participate in the Governor's program for high-risk youth to be individuals who are not high-risk youth. Includes youth who have experienced repeated failure in school in definition of "high risk youth."

Requires Governor's funds to be used only for programs with "demonstrable benefits" for participants. Requires State application to include a comprehensive plan for use of the Governor's funds and to describe State teacher certification requirements, if any, relating to training in substance abuse education and prevention.

Requires that drug abuse education materials purchased by Federal, State or local agencies under the Drug-Free Schools and Communities Act contain the most readily available accurate, and up-to-date information.

Requires each State to submit to the Secretary a biennial report containing information on the State and local programs conducted with assistance furnished under the title.

Authorizes Secretary to make grants to State educational agencies, local educational agencies, and institutions of higher learning for teacher training concerning drug and alcohol abuse education and prevention. Authorizes \$16 million for fiscal year 1989 and \$20 million for each succeeding fiscal year ending prior to October 1, 1993.

Requires the Secretary, in consultation with the HHS Secretary, to independently evaluate a representative sample of programs assisted under the Drug Free Schools and Communities Act and to identify successful programs which may be replicated. Interim report to Congress required by October 1, 1991, with a final report by January 1, 1994.

Requires Secretary to develop model criteria and forms for the collection of data and information with respect to programs assisted under this title.

Provides for the development and dissemination of age-appropriate drug abuse education curricula, programs, and training material for use in early childhood development programs.

Volunteer Projects.—

Authorizes the Director of ACTION to make grants to public and private nonprofit organizations for innovative, community-based volunteer demonstration projects which provide comprehensive drug abuse education and prevention services and ac-

tivities to youth during summer months, with priority to projects that service high-risk youth and provide opportunities to parent involvement.

Authorizes \$4 million for fiscal year 1989, and \$5 million a year for fiscal years 1990 and 1991 for drug abuse prevention under the Domestic Volunteer Service Act. Between 15 and 25 percent of these funds are earmarked for the community based volunteer demonstration projects for drug abuse prevention activities authorized under the Anti-Drug Abuse Act of 1988.

SUBTITLE B—DRUG ABUSE EDUCATION AND PREVENTION

Youth Gangs.—Authorizes \$15 million for FY 1989 and such sums as may be necessary for each of fiscal years 1990 and 1991 to establish a drug abuse education and prevention program relating to youth gangs. The Secretary of Health and Human Services would make grants to and contracts with public and private nonprofit agencies for projects to prevent the abuse of drugs by youth, educate youth about such abuse, refer for treatment and rehabilitation members of youth gangs who abuse drugs, support law enforcement outreach activities to youth gangs, and otherwise reduce the participation of youth in gangs that commit drug-related crimes. The HHS Secretary would coordinate youth gang programs with Federal juvenile justice programs.

Runaway and Homeless Youth.—Authorizes the HHS Secretary to make competitive grants to public and private nonprofit entities to provide counseling to runaway youth and their families and to homeless youth to prevent or reduce the illicit use of drugs by such youth, and to support peer counseling, community education, training, research, and services coordination related to drug abuse by runaway and homeless youth. Requires annual report to the President and Congress about the activities funded and those served by these programs. Provides \$15 million in FY 1989 and such sums as may be necessary in 1990 and 1991.

Community Youth Activity Program.—Establishes block grant program to the States for projects aimed at youth at risk of dropping out of schools; for dropouts in order to reinvolve them in education activities; to provide after-school, vacation, and weekend activities; to reach out to children at high risk of drug use; and to involve gang members or potential gang members in education, training, and employment activities. Authorizes \$40 million for fiscal year 1989, \$55 million for fiscal year 1990, \$60 million for fiscal year 1991, \$66.550 million for fiscal year 1992, and \$73.205 for fiscal year 1993.

Evaluation.—Requires Secretary of Health and Human Services through Administrator of Office of Juvenile Justice to develop and conduct a structured evaluation of approaches used to reduce drug abuse. Authorizes \$12 million for fiscal year 1989 and \$15 million for fiscal years 1990 through 1993.

TITLE IV—INTERNATIONAL NARCOTICS CONTROL

MULTILATERAL NARCOTICS CONTROL EFFORTS

Expresses sense of Congress on need for regional anti-narcotics force in Western Hemisphere. Urges U.S. Ambassador to O.A.S. to explore idea of Latin American regional anti-narcotics force and regional strategy with other nations. Requires Secretary of State to report to Congress within 6 months on negotiations. If diplomatic efforts are successful, President shall submit a supplemental budget request within 30 days of report.

Urges President to seek multinational forces in other regions of the world. Expresses sense of Congress on need for regional anti-narcotics training center in Caribbean. Encourages United Nations to establish international force aimed at stopping drug trafficking. Expresses sense of Congress that President should call for international negotiations to establish an international drug force. Expresses sense of the Senate that the President should begin discussions with foreign governments regarding the establishment of an international criminal court to expedite the prosecution of international drug criminals.

Expresses sense of Congress that the President should convene a.s.a.p. a summit, "the International Conference on Combatting Illegal Drug Production, Trafficking and Use in the Western Hemisphere", involving heads of State and high ranking officials from every government in the Western Hemisphere.

The Secretary of State shall consult with U.S. agencies and foreign governments of cocaine producing, trafficking and consuming countries about the feasibility of creating an "integrated regional plan to fight international cocaine trade" and shall report to Congress within 6 months.

Authorizes additional funding for international drug control programs: \$2 million for the United Nations Fund for Drug Abuse Control and \$1 million for the O.A.S. Inter-American Drug Abuse Control Commission.

FISCAL YEAR 1989 AUTHORIZATIONS AND EARMARKINGS OF FOREIGN ASSISTANCE FOR NARCOTICS CONTROL

Authorizes \$101 million (a \$2.5 million increase over FY 88, and same as Administration request) for the State Department's Bureau of International Narcotics Matters (INM). Earmarks \$500,000 in INM funds for testing and use of aerial coca herbicide and requires monitoring of environmental impact of the use of such herbicides. Earmarks \$1 million in INM funds for cooperative non-major transit countries.

Earmarks \$1 million of grant military assistance (MAP) funds to defensively arm anti-narcotics aircraft already in inventory of recipient countries, requiring 15 days prior notification to Congress. Earmarks \$2 million of military training (IMET) funds for narcotics-related training, and \$3.5 million of MAP for weapons and ammunition to Latin American and Caribbean police for narcotics control purposes. Requires 15 days prior notification to Congress. Waives section 660 of the Foreign Assistance Act, which prohibits police training, only for major illicit drug producing or trafficking

countries which have democratic governments and do not violate human rights.

Requires the President to reallocate funds withheld from countries that fail to cooperate on narcotics control to cooperative countries, first for additional narcotics control assistance and then for additional security assistance.

COUNTRY SPECIFIC PROVISIONS

Cooperative Nonmajor Drug-Transit Countries.—Urges greater attention and assistance to such countries and earmarks not less than \$1 million of FY 1989 INM funds for such countries.

Bolivia.—No security aid until Bolivia has passed a strong coca control law, and no FY 1989 certification unless Bolivia meets conditions of U.S.-Bolivian narcotics control agreement including achievement of coca education targets. Conditions certain development assistance on eradication or prevention of illicit coca cultivation. Repeals the FY 88 \$15 million INM earmark for Bolivia.

Peru.—No funding for Upper Huallaga project or certification until effective coca eradication program is in place.

Mexico.—Sets \$15 million ceiling on INM aid to Mexico; urges Mexico to cooperate fully with U.S. in drug law enforcement, emphasizing conclusion of the Camarena and Cortez cases. Requires the President to consider Mexican response to the U.S. proposals to establish joint air surveillance and apprehension operations. Encourages Mexico to furnish banking information for financial investigations and prosecutions in the U.S.

Colombia.—Earmarks \$5 million of certain FY 1989 security assistance funds for protection of Colombian judicial, government, and press officials with waiver of Sec. 660 after notification to Congress; authorizes an additional \$15 million of FY 1989 MAP funds for Colombian military's anti-narcotics efforts; waives 6-person limit on size of U.S. military assistance group to Colombia.

Pakistan.—In certifying whether Pakistan is cooperating on narcotics control, the President shall consider whether Pakistan is: increasing the number of illicit laboratories destroyed; increasing the number of arrests and successful prosecutions of violators; making changes in legal codes to enhance Pakistani law enforcement, such as conspiracy and asset seizures laws.

Opium Gum.—Requires review of U.S. reliance on illicit opium gum from foreign sources with a report to Congress within 6 months.

Afghanistan.—U.S. should pursue efforts to press the Government of Afghanistan, and should work with the Mujahadeen, to reduce drug production and trafficking and encourage drug eradication, interdiction and crop substitution.

Laos.—Requires periodic reports to Congress concerning the involvement of the Laotian government itself, or its high ranking officials in drug production and distribution and also whether other governments in the region are helping Laos distribute drugs.

CERTIFICATION PROCEDURE REVISIONS

Requires annual preliminary report to Congress on September 1 on standards used to determine major drug transit countries, and

by October 1 a final list of countries to be considered for certification; numerical statement in the State Department's annual International Narcotics Control Strategy Report (INCSR) of maximum achievable reduction of drug production on country-by-country basis; and for the INCSR to describe any aid denied to an uncooperative country in the preceding fiscal year.

Establishes uniform criteria and procedures, and clarifies and makes more strict the requirements, for annual certification of major drug producing and transit countries as cooperative or noncooperative for purposes of imposing foreign aid, trade and aviation sanctions on noncooperative countries. Requires all major drug producing or transit countries to have in place a bilateral narcotics control agreement with the U.S. or a multilateral agreement to reduce both drug supply and demand. Allows President to certify an otherwise noncooperative country on "vital national interests" grounds. Gives Congress 45 days to review and reject or accept Presidential certifications.

Provides that no more than 50% of aid in current fiscal year gets cut off if country is decertified, but no new aid until the country is recertified. Exempts certain AID narcotics education and awareness activities from aid sanctions. Allows early certification for FY 1989 for major drug-transit countries that have eliminated illicit production, are not engaged in drug money laundering and are cooperating with U.S.

MISCELLANEOUS PROVISIONS RELATING TO ASSISTANCE PROGRAMS

Requires 15-day advance notice of, and annual reports to Congress on, transfers of seized or forfeited narcotics-related assets to foreign governments. Expresses the sense of Congress that suppression of international drug trafficking is among the most important U.S. foreign policy objectives.

Prohibits assistance to countries through any individual who has been convicted of any drug related violations or who is or has been an illicit drug trafficker.

Urges Secretary of State to improve procurement of property and services for narcotics control assistance. Prohibits use of narcotics control assistance by recipients to acquire property for law enforcement or military use. Provides for reimbursement to DOD for the additional costs incurred by Defense in providing services to carry out narcotics control assistance. Requires the President to take reasonable steps to ensure that aircraft and other equipment made available to foreign countries for narcotics control are used for that purpose.

DEPARTMENT OF STATE ACTIVITIES

Requires the Secretary of State to deny or revoke passports of convicted drug violators who have used the passport or otherwise crossed international borders in committing the offense. Provides \$23 million to create and implement machine-readable document border security system. Provides \$5 million, without fiscal limitation, for rewards for information relating to narco-terrorism.

Requires State and Justice to develop model Mutual Legal Assistance Treaty and Extradition Treaty. Makes the Secretary of State

responsible for coordinating all U.S. government anti-narcotics aid overseas. Requires a report concurrent with INCSR on all aid provided, including separate sections on Coast Guard, DEA, and Customs assistance. Urges State to permit assignment of more DEA agents overseas. Urges U.S. embassies and posts abroad to expand investigations of illicit drug use and trafficking by U.S. Government personnel and dependents.

INTERNATIONAL BANKING MATTERS/MONEY LAUNDERING

Allows the Export Import Bank to extend credit of up to 5% of its loan guarantee authority in connection with a sale of defense articles or services to a democratic country for primarily anti-narcotics purposes.

Urges the Secretary of Treasury to negotiate with finance ministers of foreign countries to establish an international currency control agency to serve as data base for international drug law enforcement, to collect and analyze currency transaction reports and to encourage adoption of uniform cash transaction and money laundering statutes.

Requires Secretary of Treasury to negotiate with countries whose financial institutions do business in U.S. currency for agreements to ensure that financial institutions maintain adequate records of large U.S. currency transactions and make them available to U.S. law enforcement officials. Authorizes President to impose certain penalties on such countries that fail to negotiate in good faith.

MISCELLANEOUS PROVISIONS

Expresses sense of Congress that U.S. intelligence agencies should be more involved in combatting international drug trafficking.

Requires drug-free workplace provisions of title V of this Act to be carried out in a manner consistent with U.S. international obligations.

TITLE V—USER ACCOUNTABILITY

SUBTITLE A—OPPOSITION TO LEGALIZATION AND PUBLIC AWARENESS

Expresses sense of Congress opposing the legalization of drugs.

Requires Director of National Drug Control Policy, within 90 days of confirmation, to develop a public awareness program to inform Americans of the penalties in this Act pertaining to the use and possession of drugs.

SUBTITLE B—NATIONAL COMMISSION ON DRUG FREE SCHOOLS

Establishes a Commission, comprised of the Secretary of Education, the Director of National Drug Policy Control, 8 Members of Congress, and 16 individuals appointed by the Secretary and Director, to develop recommendations of criteria for identifying drug-free schools and campuses and for identifying model programs. Requires a report to the President and Congress within one year of enactment of this Act.

Authorizes such sums as necessary to carry out this provision.

SUBTITLE C—PREVENTING DRUG ABUSE IN PUBLIC HOUSING

Regulatory and Enforcement Provisions

Provides for termination of tenancy if public housing tenant, member of tenant's household, or guest of tenant engages in criminal activity, including illegal drug use or other drug-related criminal activity, on or near the public housing premises.

Requires Secretary of Housing and Urban Development (HUD) to conduct a study of, and report to Congress within 6 months on, the extent to which security activities in public housing projects are funded under the performance funding system set forth in the United States Housing Act of 1937.

Requires Secretary of HUD to report to Congress on the impact of the implementation of public housing tenancy and administrative grievance procedures on the ability of public housing agencies to take action against tenants engaging in criminal, especially drug-related activities.

Allows States and localities to use Federal funds provided under the State and local law enforcement assistance program to address drug crimes in public housing.

Makes leasehold interests in property subject to civil forfeiture under the Controlled Substances Act.

Public Housing Drug Elimination Pilot Project Program

Authorizes Secretary of Housing and Urban Development to make grants to public housing agencies for use in eliminating drug-related crime in public housing projects.

Requires that application from public housing agency include a plan for addressing the problem of drug-related crime on the premises of public housing projects administered by the public housing agency.

Requires Secretary to issue regulations to implement within 180 days of enactment.

Requires Secretary, in consultation with the National Drug Control Policy Director, to report to Congress on this program and any necessary revisions by June 30, 1990.

Authorizes \$8.2 million for fiscal year 1989 and such sums as necessary for fiscal year 1990.

Drug-Free Public Housing

Requires Secretary of Housing and Urban Development to establish a clearinghouse to collect and disseminate information on drug abuse in public housing.

Establishes a regional training program on drug abuse in public housing to train public housing officials about substance abuse. This program is to be conducted within 12 months of enactment of the Act by a national training unit established by the Secretary of Housing and Urban Development.

SUBTITLE D—DRUG FREE WORKPLACE ACT OF 1988

Requirements for Other than Individuals.—Recipients of Federal grants or contracts (over \$25,000) are required to maintain drug-free workplaces.

A contractor or grantee must certify to the contracting or granting agency that it will provide a drug-free workplace by publishing and communicating to employees a policy that prohibits the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace and specifies actions that will be taken against violators; by establishing a drug-free awareness program that informs employees about the policy, the dangers of workplace drug use, penalties for drug abuse violations, and any available drug counseling and employee assistance programs; and by requiring that each employee working on the grant or contract receive a copy of the drug free policy and agree to abide by its terms.

If an employee is convicted of a drug violation that occurs in the workplace, the employee must notify the contractor or grantee within 5 days. The employer (contractor or grantee) must notify the contracting or granting agency within 10 days after receiving notice of an employee's conviction.

The employer must take appropriate personnel action against the employee, up to and including termination, within 30 days after receiving notice from an employee of a drug conviction, or require the employee's satisfactory participation in an approved drug abuse assistance or rehabilitation program.

Employers are required to make a good faith effort to continue to maintain a drug-free workplace.

Requirements for Individuals.—Requires certification for receipt of Federal contract or grant that recipient will not engage in manufacture, distribution, dispensation, possession, or use of controlled substance in performance of contract.

Grounds for suspension, termination, debarment.—

The contractor or grantee makes a false certification,

The contractor or grantee fails to carry out the drug free workplace certification requirements,

The contractor or grantee has a number of employees convicted of drug violations occurring in the workplace which indicates failure to make a good faith effort to provide a drug free workplace.

Suspension, Termination and Debarment Proceedings for Contractors.—

Requires agency to conduct proceedings in accordance with Federal Acquisition Regulation and applicable agency procedures.

Requires Federal Acquisition Regulation to be revised for conducting suspension and debarment proceedings under this section, including requirements to ensure full and fair proceedings.

On final decision, contractor or individual is ineligible for any contract or award or ineligible to participate in any future procurement by any Federal agency for a specified period up to 5 years.

Suspension, Termination or Debarment Proceeding for Grantees.—

Requires proceedings to be conducted in accordance with applicable law.

On final decision, grantee is ineligible for award of any grant from a Federal agency for a specified period up to 5 years.

Waiver.—Gives the head of an agency exclusive authority to waive the sanctions of suspension, termination or debarment if, in the case of contract, the sanctions would severely disrupt the agency's operations to the detriment of the Government or the public, or, in the case of a grant, the sanctions would not be in the public interest.

Regulations.—Requires that government-wide regulations be issued pursuant to the Office of Federal Procurement Policy Act, no later than 90 days after enactment of this Act.

Law Enforcement.—Law enforcement agencies are not required to comply with these procedures if agency head determines it would be inappropriate in connection with agency's undercover operations.

Effective Date.—120 days after enactment of Act.

SUBTITLE E—PRESIDENT'S MEDIA COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION

Authorizes \$1 million for each of fiscal years 1989, 1990, and 1991 for President's Media Commission on Alcohol and Drug Abuse Prevention.

SUBTITLE F—UNITED STATES POLICY FOR A DRUG FREE AMERICA BY 1995

Declares the policy of the United States Government to create a Drug-Free America by 1995.

SUBTITLE G—DENIAL OF FEDERAL BENEFITS TO DRUG TRAFFICKERS AND POSSESSORS

Drug Traffickers.—Anyone convicted of any Federal or State controlled substance distribution offense may be denied certain Federal benefits, at the discretion of the court, for up to 5 years upon first conviction, and up to 10 years upon a second conviction. Upon a third or subsequent conviction, the denial of Federal benefits is permanent (no court discretion).

Drug Possessors.—At the discretion of the court, anyone convicted of any Federal or State controlled substance possession offense may be denied certain Federal benefits for up to one year for a first conviction or up to 5 years for a second or subsequent offense. Alternatively, or in addition, the court may require the individual to complete a drug treatment program which includes periodic testing and/or perform appropriate community service.

Definition of Federal Benefit.—

Benefits to be denied include any contract, grant, loan, professional or commercial license provided by an agency of the United States or by appropriated funds of the United States.

Benefits exempted include any retirement, welfare, Social Security, health, disability, veteran's benefit, public housing, or other similar benefit, or any other benefit for which payment or services are required for eligibility.

Waiver for Possessors.—Allows waiver of penalties for those convicted of possession who are addicts and who submit to long-term treatment, or who are deemed rehabilitated under rules established by the HHS Secretary.

Exemption for Traffickers.—Benefits related to long-term drug treatment are not denied to addicts convicted of trafficking offenses who submit to long-term treatment, or who are deemed rehabilitated under rules established by the HHS Secretary.

Suspension.—Allows for suspension of ineligibility if individual completes a drug treatment program, is otherwise rehabilitated, or makes a good faith effort to secure treatment but it is unable to do so because of inability to pay or unavailability of a program.

Government Witnesses.—Denial of benefits is not applicable to Federal or State government witness or participant in Government witness protection program.

Report.—Requires a report from the President on methods to implement the measure by May 1, 1989.

Effective date.—Denial of Federal benefits under this subtitle apply only for convictions after September 1, 1989.

TITLE VI—ANTI-DRUG AMENDMENTS ACT OF 1988

SUBTITLE A—CHEMICAL DIVISION AND TRAFFICKING ACT OF 1988

Establishes new controls over certain precursor and essential chemicals (such as ether, acetone and acetic anhydride) used to produce cocaine, heroin and other dangerous drugs.

Requires manufacturers, distributors, importers and exporters of these chemicals to keep records of, and report to the Attorney General on, transactions involving these chemicals.

Allows imports and exports of these chemicals to be suspended to prevent diversion to clandestine manufacture.

Establishes new offenses and penalties for chemical diversion and for violations of recordkeeping and reporting requirements.

SUBTITLE B—ASSET FORFEITURE AMENDMENTS

Make the Department of Justice Asset Forfeiture Fund available to pay costs associated with seizure and forfeiture and for equitable sharing payments to State and local agencies without requiring a specific appropriation in advance.

Requires an annual GAO audit of the Justice Asset Forfeiture Fund.

"Drug Czar" Fund.—Beginning in fiscal year 1990, establishes Special Forfeiture Fund, not to exceed \$150 million, from the unobligated funds remaining at the end of each fiscal year in the Department of Justice Asset Forfeiture Fund. The new fund shall be available to the Director of National Drug Control Policy without fiscal year limitation in amounts provided in appropriations acts. As part of his annual budget request to Congress, the President shall include a separate, detailed request for use of amounts in the fund, reflecting the priorities of the National Drug Control Strategy. Amounts from the fund shall be used to supplement, not supplant, existing funds.

Permits Attorney General to transfer forfeited personal property or proceeds of sale of any forfeited personal or real property to foreign governments that participate directly or indirectly in seizures.

Equitable Sharing.—Restores equitable sharing of forfeited assets transferred to State and local agencies and bars use of Federal forfeiture procedures to circumvent State law.

Innocent Owner.—Establishes an "innocent owner" defense in civil forfeiture proceedings against conveyances used in drug trafficking, and provides expedited procedures for seized conveyances. No owner's interest in a conveyance can be forfeited if the owner establishes that he did not know of, consent to, or was not willfully blind to the drug-related offense giving rise to the seizure. The expedited procedures added by the bill include:

Written notice at the time of seizure of these expedited procedures, with subsequent written notice, "at the earliest practicable opportunity," to the owner and other interested parties, of the factual and legal basis for the seizure.

Provisions for the owner to petition the Attorney General for an expedited decision on the conveyance. If the Attorney General fails to act within 20 days, the conveyance is returned to the owner pending further forfeiture proceedings.

60-day time limit, after owner files claim and bond, for the Attorney General to file a complaint for forfeiture. If a complaint is not timely filed, no forfeiture may take place.

Provisions for release of a conveyance to the owner under bond.

"Personal Use" Seizures.—Requires Attorney General and Treasury Secretary to prescribe regulations within 90 days for expedited administrative procedures for seizures of conveyances, cash and real property for possession of personal use amounts of a controlled substance. Requires a final administrative determination on the seizure within 21 days or a procedure for the defendant to obtain release of the property pending a final determination. Requires joint regulations within 90 days by the Attorney General, Treasury and Transportation Secretaries, providing for the issuance of a summons to appear in lieu of seizure of a commercial fishing vessel for possession of personal use amounts of drugs.

SUBTITLE C—STATE AND LOCAL NARCOTICS CONTROL AND JUSTICE ASSISTANCE IMPROVEMENTS

Reauthorizes Bureau of Justice Assistance and elevates Director to a presidential appointment.

Establishes in the Bureau of Justice Assistance the Bureau of Justice Assistance Grant Programs to provide Federal support for enhanced State and local law enforcement efforts. The new grants are a combination of the former State and local narcotics enforcement assistance grants authorized by the Anti-Drug Abuse Act of 1986 and the old Justice Assistance Act grant program.

Drug Control and System Improvement Grant Program.—Authorizes formula grants to States to help State and local governments increase drug enforcement efforts and improve the functioning of the criminal justice system with special emphasis on violent crime and serious offenders.

Requires States to submit an application, prepared after consultation with State and local criminal justice officials, which includes a statewide strategy for drug and violent crime con-

trol programs which improve the functioning of the criminal justice system.

Requires States to certify that they are undertaking law enforcement initiatives to hold drug users accountable for their unlawful possession or use of drugs.

Increases the share of State/local matching funds from 25% to 50% (i.e., a dollar for dollar match) after fiscal year 1989.

Permits States and local governments or combinations thereof to use a grant for expenses associated with participation in the State and Local Task Force Program established by the Drug Enforcement Administration.

Grant funds may be used for expenses associated with conducting required evaluations.

Adds requirement that States, when distributing such grants, give priority to jurisdictions with the greatest need.

Uses the same formula to allocate and distribute funds as under the former State and local narcotics control assistance formula grants. Each State receives a minimum grant of \$500,000. Of the total funds remaining, each State receives an amount which is proportional to the State's population relative to the population of all the States. Each State must award a share of its block grant funds to units of local government in the State; this share is determined by the amount of local criminal justice spending in proportion to criminal justice spending by the State and all units of local government in the State.

Includes new time limits to expedite the flow of Federal funds to the States and from States to localities. States must submit applications for funds within 60 days each year. BJA has 45 days to review State applications. States have 45 days after receiving awards from BJA to make funds available to local governments.

Discretionary Grants.—Authorizes BJA to make discretionary grants to public or private agencies and private nonprofit organizations for training, technical assistance, demonstration programs and projects for drug enforcement and criminal justice system improvement that are national or multijurisdictional in scope.

Reserves 20% of funds available for BJA grant programs, not to exceed \$50 million, for discretionary grants.

Requires each application for funds to describe method to be used to evaluate impact and effectiveness of program to be funded and to include agreement by applicant to conduct such an evaluation.

Evaluation.—Requires National Institute of Justice to develop guidelines to help State and local governments conduct required program evaluations, and requires NIJ to conduct a reasonable number of evaluations of programs funded under formula grants and discretionary grants.

Regional Information Sharing Systems Grants—Authorizes the Bureau of Justice Assistance to make grants and contracts with State and local criminal justice agencies and nonprofit organizations for information systems to identify, target and remove criminal conspiracies and activities spanning jurisdictional boundaries.

Public Safety Officers' Death Benefits Improvement.—Increases level of death benefits payable under, and makes other modifications in, Public Safety Officers' Death Benefits Program. Authorizes national program for families of public safety officers who have died in the line of duty.

Authorizations of Appropriations.—

Bureau of Justice Statistics.—\$30 million for each of fiscal years 1989–1992.

National Institute of Justice.—\$30 million for each of fiscal years 1989–1992.

State/Local Formula and Discretionary Grants Programs.—\$275 million for fiscal year 1989; \$350 million for fiscal year 1990; \$400 million for fiscal year 1991; and such sums as necessary for fiscal year 1992.

Other functions of Bureau of Justice Assistance and Office of Justice Programs.—\$25.5 million for fiscal year 1989, and such sums as necessary for fiscal years 1990–1992.

Regional Information Sharing Systems Grants.—\$15 million for fiscal year 1989, and such sums as necessary for 1990–1992.

Public Safety Officers' Death Benefits.—such sums as may be necessary for each fiscal year.

SUBTITLE D—AUTHORIZATIONS OF APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE, PRISONS, AND RELATED LAW ENFORCEMENT PURPOSES

Immigration and Naturalization Service Personnel Enhancement.—

Authorizes an additional \$12.3 million for personnel and expenses, of which \$4.1 million is to increase the number of INS inspectors by no fewer than 70. \$8.2 million is to be used to increase INS commitment to OCDETF and for additional special agent support and training. Positions are to assist local law enforcement in combatting alien involvement in drug trafficking and crimes of violence.

Continues 4-city pilot project, created under Anti-Drug Abuse Act of 1986, to establish and enhance computer capabilities of INS local offices to respond to inquiries from local law enforcement concerning aliens that have been arrested or convicted for violating controlled substance laws.

BATF.—Authorizes an additional \$10.66 million to increase by 244 positions the personnel assigned to the Bureau of Alcohol, Tobacco, and Firearms Armed Career Criminal Apprehension Program.

DEA Personnel Enhancement.—Authorizes an additional \$60 million for fiscal year 1989, earmarking:

\$4.92 million to increase operations against youth gang related organized crimes,

\$10 million to implement Chemical Diversion and Trafficking Act,

\$15 million for Foreign Cooperative Investigations Program,

\$5 million for Diversion Control Program, and

\$3.28 million to enhance El Paso Intelligence Center.

Authorizes \$10.8 million for DEA to establish, maintain and operate a special facility for the *DEA Air Wing*.

Federal Judiciary.—

Authorizes an additional \$43,132,000 for 1989 for the *Federal courts*, as follows:

\$30.34 million for probating and pretrial services,
\$1.640 million for additional deputy clerks,
\$656,000 for additional law clerks and support staff,
\$4.1 million to renovate court facilities, and
\$4.756 for additional magistrates.

Authorizes additional amounts for 1989 as follows:

\$28.7 million for the Federal Public Defender and Community Defender Services.

\$2.378 million for jurors fees and expenses.

\$4.92 million for Federal courts security equipment.

Requires the Judicial Conference to report to Congress within 120 days on the impact of drug-related criminal activity on the Federal Judiciary.

Authorizes *additional* funds above amounts appropriated for Federal law enforcement agencies for fiscal year 1989, including:

FBI—\$30 million.

U.S. Marshals Service—\$21.5 million, for asset seizure and forfeiture activities, criminal justice support activities, and other specified drug enforcement related activities.

Prisoner Support—\$21.5 million for support of U.S. prisoners in non-Federal institutions, with not more than \$4.1 million available for renovating, constructing, and equipping State and local correctional facilities.

Federal Prison System.—

\$200 million for planning, acquisition, construction, and remodeling of Federal prisons to alleviate overcrowding resulting from increased number of drug cases.

\$13 million for salaries and expenses.

U.S. Attorneys—\$36.08 million.

Border Patrol.—

\$16.4 million for drug interdiction equipment.

\$16.4 million to increase the number of officers by no fewer than 435.

Establishes a *National Advisory Commission on Law Enforcement* to study the methods and rates of compensating Federal law enforcement officers in all agencies and to report their findings to the President and the Congress within 6 months of enactment of the Act.

Directs Office of National Drug Control Policy to develop a comprehensive plan to provide research, development, and evaluation support to Federal law enforcement agencies using existing Federal R&D facilities.

Authorizes an additional \$5.74 million for the *Federal Law Enforcement Training Center* for 1989, of which \$4.1 million is to be used to accommodate advanced in-service training requirements of the DEA and the remainder to increase level of drug enforcement training. \$45 million is authorized for fiscal year 1990, and \$50 million for fiscal year 1991.

Provides for increased *foreign language training* of DEA, Customs Service, and INS personnel.

Authorizes an additional \$4.92 million for 1989 for *U.S.-Bahamas Drug Interdiction Task Force*, contingent upon a \$410,000 contribution to such joint operations in 1989 by the Bahamas. Expresses sense of Congress pertaining to drug related matters of concern to U.S.-Bahamian relations.

INTERPOL—authorizes an additional \$820,000 for fiscal year 1989 for the United States National Central Bureau, to increase personnel by 23 positions, maintain 24-hour operations and upgrade telecommunications equipment.

SUBTITLE E—MONEY LAUNDERING

Attorney's Fees.—Exempts from criminal liability monetary transactions (i.e., an attorney's fee) in criminally derived property necessary to preserve a person's sixth amendment right to representation.

Amends Bank Secrecy Act.—

Adds new category of "business similar to financial institutions" to the list of financial institutions defined under the Act.

Provides that no financial institution may issue or sell a bank check, cashier's check, traveler's checks, or money order to any individual in amounts of \$3,000 or more, unless that person has an account with said financial institution or can furnish verifiable forms of identification. The financial institution must verify the forms of identification, maintain a record of all such transactions and report to the Secretary of Treasury, upon request, the purchase of such instruments by any individual.

Gives the Secretary of Treasury discretionary authority to target a domestic financial institution or a group of institutions located in any specified geographic location where drug trafficking and/or money laundering are prevalent, to obtain, retain and report information. The Secretary may prescribe the length of time (up to 60 days), the amounts of money, the types of monetary instruments to be monitored and may require reports on such transactions.

Provides for a maximum \$10,000 per day penalty for willful or grossly negligent violation of recordkeeping regulations by any insured banks, other financial institutions, or by employer, director or officer of one; there had been no fine for insured financial institutions and a maximum \$1,000 fine for non-insured institutions.

Designates the Postal Service an appropriate supervising agency for enforcement purposes under the Bank Secrecy Act.

Amends Right to Financial Privacy Act.—

Clarifies right of financial institutions to report suspected violations by corporations.

Allows Federal agencies to transfer financial records to the Department of Justice for use in criminal investigations as prosecutions without notification to the person whose records are being transferred. Current law requires such notice. The

waiver of notice would only apply when the transferring agency has reason to believe the records are relevant to a Federal crime and the records were obtained in the exercise of the agency's regulatory or supervisory functions.

Allows a financial institution or a supervisory agency to disclose, without notification, the financial records of any of the institution's insiders (including officers, directors, employees, or major shareholders), or major borrowers acting in concert with such insiders, to the Attorney General or a State law enforcement agency when there is reason to believe such records are relevant to insider criminal activity against the institution or supervisory agency. For suspected insider violations of the Bank Secrecy Act, such disclosures of insider records may be made to the Treasury Secretary.

Preempts any State or local law which would otherwise prohibit disclosure of records of insiders.

Provides to financial institutions a good faith defense from liability for providing exempt insider financial records to law enforcement.

Eliminates the requirement of actually presenting financial records to a grand jury in cases where the volume of subpoenaed records is too overwhelming to be practical. In such cases, only a description of the contents of the records is required to be presented.

\$100 Bills.—Requires Secretary of Treasury, in cooperation with appropriate law enforcement agencies, to study the feasibility of withdrawing \$100 Federal Reserve notes as a deterrent to illegal drug-related transactions and to report findings to Congress within 180 days of enactment of the Act.

SUBTITLE F—LEGALIZATION

Expresses the sense of Congress against proposals to legalize illicit drugs.

SUBTITLE G—FIREARMS PROVISION

Creates new penalties to stop the supply of handguns to drug traffickers.

Requires Attorney General to develop a system for immediate and accurate identification of felons who attempt to purchase a firearm and establish a plan to implement the system. A report to Congress is required within one year of enactment of the Act and implementation of the system is to begin 30 days thereafter. Requires additional study to determine an effective method of immediate and accurate identification of other persons ineligible to purchase firearms within 18 months of enactment of Act.

Provides for mandatory revocation of probation for possession in a firearm.

Establishes penalties for possession of and trafficking in firearms or dangerous weapons in a Federal facility.

SUBTITLE H—INVESTIGATIVE POWERS OF POSTAL SERVICE PERSONNEL
AND NATIONAL FOREST SYSTEM CONTROL

Enhances the enforcement authority of Postal Inspectors to permit their more effective participation in stopping drug trafficking through the mails.

Clarifies and enhances the narcotics enforcement authority of the National Forest Service with respect to controlled substances violations committed within, or which affect administration of, the National Forest System.

Authorizations.—For 1989 and annually thereafter, the bill authorizes the following *additional* amounts for enhanced drug enforcement activities:

Forest Service—\$10 million.

National Park Service and Park Police—\$3 million.

Bureau of Land Management—\$1.5 million.

Authorizes Secretary of Agriculture to designate law enforcement officers of other Federal Agencies to exercise powers and authorities of the Forest Service while assisting in the National Forest System or in Forest Service activities. Authorizes the Forest Service to accept similar cross-designations from other Federal, State or local agencies.

Adds stiff penalties for drug producers or others who use hazardous or injurious devices on Federal lands or Indian reservations.

Adds stiff penalties for drug traffickers who pollute Federal lands in the course of their drug crimes.

Establishes "*Drug Pollution Fund*", a trust fund in the Treasury to make payments to Federal agencies to clean up pollution on Federal lands resulting from Controlled Substances Act violations.

SUBTITLE I—TRAVEL EXPENSES AND HEALTH CARE OF JUSTICE
PERSONNEL SERVING ABROAD

Authorizes appropriations for the Department of Justice for travel and health benefits for DOJ personnel stationed abroad that are equal to those of other U.S. personnel assigned overseas.

SUBTITLE J—PROGRAM-RELATED AND STUDY PROVISIONS

Expands the authorization of the drug aftercare program for Federal probationers and parolees.

Authorizes \$14 million for each of fiscal years 1989-1991 for the construction and operation of a national training center for prison drug rehabilitation program personnel.

Requires the Attorney General to study alternative means of prosecuting Federal drug offenses.

SUBTITLE K—MANUFACTURING OFFENSE

Establishes new penalties for endangering human life while illegally manufacturing a controlled substance.

SUBTITLE L—SERIOUS CRACK POSSESSION OFFENSES

Establishes mandatory minimum penalty of not less than 5 or more than 20 years imprisonment for possession of "crack" cocaine

if the amount possessed exceeds: 5 grams for a first conviction; 3 grams for a second conviction; or 1 gram for a third conviction.

SUBTITLE M—MISCELLANEOUS DRUG ENFORCEMENT

Permits DEA and FBI to pay bonuses up to 25% of base pay to employees who possess and make use of one or more foreign languages.

SUBTITLE N—SUNDRY CRIMINAL PROVISIONS

Civil Penalties for Drug possession.—

Allows the Attorney General to assess a civil penalty of up to \$10,000 against an individual for possession of "personal use" amounts of marijuana, heroin, cocaine and certain other illegal drugs.

Authorizes the Attorney General to issue regulations specifying amounts that constitute personal use amounts.

No person may be assessed a civil penalty under this section more than twice.

Civil penalties may not be assessed on any person with a prior drug conviction.

An individual has a right to an administrative hearing before assessment of a civil penalty and can seek de novo review of the penalty in civil action in Federal district court. Upon Judicial review, the individual shall have the protections available in a criminal proceeding, including the right to trial by jury, the right to counsel, the right to cross-examine witnesses, and the requirement for proof of the violation beyond reasonable doubt.

The Attorney General may not bring a civil action against an individual if 5 years or more have elapsed from the time of the alleged violation.

Includes procedures to expunge the record of any person assessed a civil penalty.

Makes any act of juvenile delinquency involving the use or carrying of a firearm, knife or destructive device, that would be punishable if committed by an adult by one year in prison, a conviction under the Armed Criminal Felons Act and subjects this category of juveniles to penalties under this Act.

Creates mandatory life imprisonment penalty for three-time drug felons.

Increases penalties for importation of a controlled substance by aircraft and other vessels.

Modifies penalties related to drug offenses involving children.

Increases penalties for certain violations of the Controlled Substance Act involving persons under 18 years of age—manufacturing or distributing controlled substances in or near schools; employing or using persons under 18 in drug operations; and distributing to persons under age 21.

Exempts from mandatory minimum penalty a first offense for distributing controlled substances to persons under 21, if offense involved 5 grams or less of marijuana, but eliminates current exemption from mandatory minimum penalty for a second offense for such quantities.

Amends current offense of distributing controlled substances within 1,000 feet of a school by:

including "possession with intent to distribute"; and extending geographic coverage to include area within 100 feet of a playground, public or private youth center, public swimming pool, or video arcade facility.

Authorizes mandatory minimum penalties for the purchasing of controlled substances from minors.

Enhances penalties for use of certain weapons in connection with a crime of violence or drug trafficking crime.

Includes Federal Firearms violations as predicate wiretap offenses.

Increases penalties for certain firearms offenses.

Makes various clarifying and technical amendments to Controlled Substances Act and title 18, including the following:

Imposes the same penalties for attempts and conspiracies under the Controlled Substances Act as for the underlying offenses.

Clarifies provisions relating to forfeiture of proceeds of a foreign drug offense.

Provides mandatory minimum penalty for trafficking in substantial quantity of methamphetamine.

Provides additional measures to combat money laundering:

Permits civil and criminal forfeiture of property involved in, or traceable to, certain money laundering offenses.

Bars forfeiture of substitute assets for money laundering offenses where the defendant acted merely as an intermediary.

Authorizes money laundering "sting" operations by undercover law enforcement officers who represent property to be the proceeds of illegal activity.

Authorizes Postal Service to investigate money laundering.

Establishes a "tax predicate" money laundering offense making money laundering to evade taxes a crime.

Increases penalties for drug offenses committed within Federal prisons.

Clarifies jurisdictional reach of Ballistic Knife Prohibition Act of 1986.

Expands and strengthens certain explosives offenses.

Clarifies prohibition of possession with intent to distribute controlled substances on aircraft.

Provides for the restarting of Speedy Trial Act time period for defendants who abscond on eve of trial.

Provides for the suspension of a driver's license and other penalties for drunk or drugged driving in the special maritime and territorial jurisdiction of the United States. Creates implied consent to test motor vehicle operators in these Federal areas for alcohol or drugs when stopped for drunk or drugged driving. Revokes operating privileges in these areas for one year for refusal to take such a test.

Applies to the District of Columbia provisions imposing penalties for congregating with two or more persons within one hundred feet of buildings owned, used or occupied by foreign officials, official guests, foreign governments, or international organizations.

Applies marijuana trafficking penalties under the Controlled Substances Act on the basis of the number of plants regardless of weight, as well as on weight alone.

Removes the ceiling on fines that may be imposed for simple possession of a controlled substance.

Increases minimum penalties for engaging in a continuing criminal enterprise from 10 to 20 years for first conviction and from 20 to 30 years for subsequent convictions.

Increases penalties for operating a locomotive or common carrier under the influence of drugs or alcohol if death or serious bodily injury results.

Amends Federal Rules of Criminal Procedure by adding a new rule, Rule 12.3, "Notice of Defense Based Upon Public Authority."

Authorizes the Attorney General to request the transfer to the United States of a person held in custody abroad to testify in a State or Federal criminal trial, and to transport, maintain custody over, and return such person to the foreign country.

Clarifies provision of Anti-Drug Abuse Act of 1986 concerning drug paraphernalia.

Extends to former Federal officials and their immediate family members the same protections against assaults, interference and retaliation on account of the performance of official duties that are now afforded to current Federal officials and their families. Provides increased penalties if deadly weapons are used.

TITLE VII—DEATH PENALTY AND OTHER CRIMINAL AND LAW ENFORCEMENT MATTERS

SUBTITLE A—DEATH PENALTY

Under the Controlled Substances Act, authorizes prison sentence of from twenty years to life or the death penalty for any drug kingpin or serious drug felon who intentionally kills or causes the intentional killing of any person.

Under the Controlled Substances Act, authorizes prison sentence of from twenty years to life or the death penalty for any drug felon who intentionally kills or causes the intentional killing of any Federal, State or local law enforcement officer engaged in, or on account of, his official duties.

Establishes procedures for imposing the death penalty in these cases.

Sets out mitigating and aggravating factors.

Prohibits imposition of death penalty under this section for persons under 18 at time of offense; mentally retarded persons; or mentally disabled persons, as defined in this Act.

Guarantees defendants right to justice without discrimination.

Requires court to instruct jury not to consider race, color, religious beliefs, national origin or sex of defendant or victim and requires each jury member to certify this was not involved in reaching his/her decision.

Requires GAO to study and report to Congress on procedures used by the States to determine whether or not to impose the death penalty in order to assess where such procedures create a significant risk of discriminatory imposition of death sentence.

Requires mandatory appellate court review.

Requires indigent defendant be provided one or more attorneys and investigative, expert or other reasonably necessary services at any time prior to judgment or after judgment and before execution of judgment. Establishes qualifications of appointed counsel.

Requires GAO study of the cost of implementing procedures for imposing and carrying out death sentence prescribed in this title with a report to Congress within three years of enactment of this Act.

SUBTITLE B—MINOR AND TECHNICAL CRIMINAL LAW AMENDMENTS

Amendments to correct typographical and reference errors.
Various minor and technical amendments.

SUBTITLE C—SENTENCING AMENDMENTS

Establishes mechanism for release of offenders transferred to the United States, who are on parole from authorities of a foreign country, since U.S. parole was abolished November 1, 1987.

Various clarifying and housekeeping amendments affecting the U.S. Sentencing Commission.

SUBTITLE D—VICTIM COMPENSATION AND ASSISTANCE

Reauthorizes Victims of Crime Compensation Fund for 6 years.
Increases ceiling for deposits in fund to \$125 million for each of FYs 1989 through 1991 and to \$150 million for each of FYs 1992 through 1994.

Adds new requirements for States to receive funds.
Miscellaneous amendments.

SUBTITLE E—FEDERAL AVIATION ADMINISTRATION DRUG ENFORCEMENT

Enhances the role of the FAA in drug enforcement and interdiction by strengthening regulations relating to aircraft registration, issuing of airman's certificates, and altering fuel systems and by authorizing civil and criminal penalties for violations of the new regulations.

Civil Penalties for violations of ownership and registration regulations:

Grants United States District Courts exclusive jurisdiction over any civil penalty action exceeding \$50,000.

Sets at \$50,000, the maximum amount of a civil penalty that the Administrator may assess.

Criminal Penalties for the forgery of certificates, false marking of an aircraft, and other aircraft registration violations:

Sets fine of not more than \$15,000 or imprisonment for not more than 3 years or both.

Sets fine of not more than \$25,000 or imprisonment for not more than 5 years, or both, if the violation relates to transportation of a controlled substance or to other serious Federal or state drug offense.

An aircraft used to transport a controlled substance may be seized and forfeited by the DEA or the U.S. Customs Service, in accordance with the customs laws. Requires FAA, DEA, and Customs Service to enter memorandum of

understanding regarding the seizure and forfeiture of aircraft.

Requires the permanent revocation of a person's airman certificate if the person is convicted of, or knowingly engages in activity that is punishable as, a drug trafficking felony involving the use of an aircraft. Previously, the law required a 5-year revocation. Provides for a waiver of the permanent revocation requirement if reissuance of a certificate will facilitate law enforcement.

Requires FAA Administrator to submit reports to Congress on following topics:

Resources necessary on an annual basis during the subsequent 5 year period to implement new registration and certification regulations;

FAA informational assistance to Federal, State and local law enforcement agencies;

The feasibility and cost-benefit of requiring aircraft entering the United States to have an operating transponder, to file a flight plan, and to have identifying transponder signal which ensures flight plan is followed; and

Feasibility of establishing flight corridors across U.S. borders and intercepting aircraft that deviate from the corridors, and impact of such on aircraft safety and movement and drug interdiction.

SUBTITLE F—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Reauthorizes *Office of Juvenile Justice and Delinquency Prevention* for four years. Provides such sums as may be necessary for FY 1989–FY 1992.

Increases the amount of funds flowing to the States through the block grant program.

Raises minimum allocation for each State to \$325,000 and \$75,000 for each territory.

Creates *Juvenile gang and an anti-drug trafficking and abuse discretionary grants program* for law enforcement, prevention, and treatment initiatives. Authorizes \$15 million for fiscal year 1989 and such sums as necessary for fiscal years 1990, 1991, and 1992.

Reauthorizes *Runaway and Homeless Youth Act*. Provides such sums as may be necessary for FY 1989–FY 1992.

Earmarks 90 percent of funds for basic center grants.

Requires that each state receive at least \$75,000 and each territory \$30,000.

Creates \$5 million *Transitional Living Grant Program* to fund projects to provide shelter and services to homeless youth aged 16–21 years to promote their transition to self sufficiency.

Reauthorizes *Missing Children's Assistance Act*. Provides such sums as may be necessary for FY 1989–FY 1992.

Requires GAO study of youth confinement in detention facilities and adult jails and lock ups, due no later than 3 years after enactment.

SUBTITLE G—PRISONS, PROBATION, PAROLE AND SUPERVISED RELEASE
PROVISIONS

Requires United States Sentencing Commission to study the feasibility of Federal prisoners paying some or all of costs incident to confinement (e.g., food, clothing, shelter) and to review measures allowing prisoners unable to pay such costs to work at paid employment in the community, during incarceration or after release, to pay such costs.

Makes Federal Bureau of Prisons, in conjunction with Department of Defense and Commission on Alternative Utilization of Military Facilities, responsible for administering Bureau of Prison Confinement facilities on military installations for nonviolent prisoners; for establishing and resulting drug treatment programs for inmates in such facilities; and for establishing and managing work programs for such inmates.

Provides for revocation of probation, supervised release and parole for possession of an illegal controlled substance.

Establishes two-year demonstration program in 8 Federal judicial districts to test criminal defendants for drug use. In addition, in each of these districts refraining from illegal drugs and submission to periodic drug testing for controlled substances will be made a mandatory condition of probation and supervised release for any defendant convicted of a felony. Requires reports to Congress from Director of the Administrative Office of the U.S. Courts on the effectiveness of the program and recommendations as to whether such testing should be made more general and permanent.

Authorizes use of house probation as a condition of probation, supervised release, or parole.

SUBTITLE H—PROVISIONS RELATING TO COURTS

Reauthorizes State Justice Institute and provides \$15 million for each of fiscal years 1989-1992. Includes several technical amendments.

Miscellaneous court amendments.

Habeas Corpus.—Requires Senate Judiciary Committee to introduce and consider expeditiously legislation to modify Federal Habeas Corpus proceedings after receipt of the report and recommendations from the Special Committee on Habeas Corpus Review of Capital Sentences, appointed by the Chief Justice of the Supreme Court. States that, "The House of Representatives shall give fair, appropriate and expeditious consideration to the report of the Special Committee."

SUBTITLE I—FEDERAL BUREAU OF INVESTIGATION

Authorizes FBI to investigate felony killing of State or local law enforcement officer while engaged in or on account of official duties at the request of the employee's agency head.

Requires the collection, classification, and preservation of national data on Federal criminal offenses, for inclusion and distribution in annual Uniform Crime Reports.

Requires data from all Federal agencies that routinely investigate criminal activities.

Authorizes the Attorney General to designate the FBI as the lead agency to perform these functions.

Authorizes FBI to classify illegal drug and drug trafficking offenses as a part I crime in Uniform Crime Reports.

Authorizes \$350,000 for FY 1989 and such sums as necessary for FY 1990.

Authorizes Attorney General to exchange identification and records information with certain railroad police departments and certain police departments of private colleges and universities.

SUBTITLE J—DEPORTATION OF ALIENS WHO COMMIT AGGRAVATED FELONIES

"*Aggravated felony*" is defined as murder, any drug trafficking crime, or any illicit trafficking in firearms or destructive devices, or any attempt or conspiracy to commit any such act, within the United States.

Deportation of Aggravated felons.—

Requires the Attorney General to take into custody and not release any alien convicted of an aggravated felony upon completion of the alien's sentence for such a conviction.

Requires Attorney General to devise and implement a system to facilitate identification of alien aggravated felons that:

Makes available on a 24-hour basis to Federal State, and local authorities, INS investigative resources to determine whether aggravated felony arrestees are aliens;

Designates INS officers to serve as liaison within each district to Federal, State, and local law enforcement and correctional agencies and courts concerning aliens charged as aggravated felons; and

Uses computer resources to maintain current record of deported alien aggravated felons that can be available to inspectors at port of entry and border patrol agents in order to identify deported aliens seeking reentry.

Attorney General must submit reports to House and Senate Judiciary Committees on this system, 6 months and 18 months after enactment of this Act.

Makes alien aggravated felons ineligible for voluntary departure.

Provide *criminal penalties* for alien felons and alien aggravated felons who enter, attempt to enter, or are found in the United States on or after enactment date of this Act.

Sets sentence of up to 5 years imprisonment, fine under title 18, or both, for such alien felon.

Sets sentence of up to 15 years, a fine under title 18, or both, for such alien aggravated felons.

To *expedite deportation proceedings* for aliens convicted of aggravated felonies:

Requires Attorney General to make available special deportation proceedings at certain Federal, State and local facilities for aliens convicted of aggravated felonies, conducted in conformity with section 242 of the Immigration and Nationality Act and in a manner that eliminates additional detention and expedites deportation at the end of the alien's incarceration.

Any alien aggravated felon taken into custody by the Attorney General, to the maximum extent, is to be detained at facility for such aliens.

Alien convicted of an aggravated felony is conclusively presumed to be deportable.

Requires Attorney General to initiate, and to the extent possible complete deportation proceedings and any administrative appeal, for convicted alien aggravated felon before the alien's release from incarceration for the underlying offense.

Requires Attorney General to review and evaluate these proceedings and submit a report on their effectiveness to the House and Senate Judiciary Committees, within 12 months after effective date of this section.

Requires GAO to monitor, review and evaluate these deportation proceedings and submit report to Congress within 18 months of effective date of this section concerning adverse effects of these proceedings on aliens ability to contest deportation.

Requires petition for appeal in the case of an alien convicted of an aggravated felony be filed not later than 60 days after issuance of final deportation order.

Bans alien aggravated felon from reentry into the United States for 10 years.

Provides for *enhancement of INS personnel.*

Expands and extends 4-city pilot project, created in Anti-Drug Abuse Act of 1986, to improve capabilities of INS to respond to inquiries from Federal, State, and local law enforcement authorities concerning aliens (other than aggravated felons) involved in illegal drug activity. Requires Attorney General to evaluate program 12 months after establishment and report conclusions to House and Senate Judiciary Committees.

Investigative agents hired under section will be employed exclusively to assist Federal, State and local law enforcement agencies in combatting drug trafficking and violent crimes by aliens.

SUBTITLE K—UNITED STATES CUSTOMS SERVICE

Authorizes for fiscal year 1989:

\$440,504,000 for noncommercial operations. At least \$26,240,000 is to increase the number of Customs inspectors and other drug interdiction personnel by at least 435 full-time employees.

\$615,247,000 from Customs User Fee Account for commercial operations expenses.

\$142,262,000 for operations and maintenance of air interdiction program.

\$1.6 million for payment to Customs Cooperation Council.

Increases Customs Service to 17,174 positions, 435 above FY 1989 Appropriations Act.

Requires Secretary of the Treasury to prescribe regulations to effect uniformity in decisions by customs officers concerning the same or substantially similar merchandise and establish proce-

dures that allow individuals protesting these decisions to petition Secretary to obtain such uniformity in an expedited and timely fashion.

Authorizes \$57.4 million in addition to other amounts authorized for FY 1989, for enhancement of Customs air interdiction program, including procurement of helicopters, tracking and interceptor aircraft, and operation and maintenance.

Consolidates amendments and changes made in last four years in *Customs Forfeiture Fund*.

Changes forfeiture provisions to allow deposits to be used for nondiscretionary expenses, e.g., expenses of seizure and forfeiture, satisfaction of liens and claims of interested parties, etc., without limit. Maintains \$20 million cap on use of funds for discretionary expenses, e.g., purchases of evidence and information, equipping vessels, vehicles and aircraft for law enforcement use, assistance to State and local law enforcement to support joint operations with Customs, etc.

Clarifies Coast Guard access to Customs Forfeiture Fund.

Allows seizure of property subject to forfeiture upon process issued in the same manner as for a search warrant under the Federal Rules of Criminal Procedure.

Permits transfer of forfeited personal property or the proceeds of forfeiture to any foreign government that has participated, directly or indirectly, in the seizure of the property, if Secretary of State agrees to transfer, if transfer is authorized by an international agreement between the country and the United States, and if country has been certified under Foreign Assistance Act of 1961 as cooperative in international narcotics control.

Codifies requirement that State and local governments recognize administrative forfeiture, as they recognize judicial forfeitures.

Increases the penalty for failure to declare a controlled substance from 200% to 1000% of the article's value, and makes various technical amendments to the Tariff Act of 1930.

Authorizes an additional \$4.1 million, and up to \$10.9 million of funds appropriated for noncommercial operations, to be used for X-ray detection, nitrate detection, or other technologies used to detect illegal narcotics in cargo containers entering the United States.

Requires Customs Commissioner to share research findings with other Federal departments and agencies and appropriate State and local law enforcement agencies that may use such technologies.

Requires Commissioner to report findings to Congress.

Establishes a two-year air carrier smuggling prevention demonstration program at at least three U.S. International airports at high risk for drug smuggling activity.

Requires the Treasury Secretary, in consultation with the Transportation Secretary, to issue controlled substances regulations establishing procedures for air carrier development, and Customs approval, of foreign and domestic security and inspection procedures.

Air carriers determined by the Treasury Secretary to be "participating air carriers" will be considered to have met the test of the highest degree of care and diligence required under law and will not be subject to fines, penalties or seizures under

the Tariff Act of 1930 if illegal drugs are found on their aircraft or in cargo carried on their aircraft if the air carrier can establish that it was not grossly negligent or engaged in willful misconduct, and complied with the security and inspection procedures established by regulation.

Establishes procedural protections against removing an air carrier's "participating" status including written notice to the carrier of the carrier's noncompliance with regulations and a reasonable opportunity for the carrier to correct such noncompliance.

Commends the Customs Service for Operation C-Chase, a major international drug money laundering case.

SUBTITLE L—COAST GUARD DRUG ENFORCEMENT

Clarifies that indemnification against personal liability extends to Navy personnel and commanders acting under Coast Guard orders, during drug interdiction initiatives from naval vessels.

Amends maritime drug law enforcement act.

Allows the United States to take action against a U.S. citizen or resident alien aboard a vessel of another nation that has been boarded by the Coast Guard, and on which controlled substances have been found.

Requires that vessels of questionable flag status must raise, at the time of Coast Guard boarding, a defense that the vessel is excepted from Coast Guard jurisdiction by reason of valid foreign registry.

Establishes maritime air surveillance or interdiction as a primary Coast Guard law enforcement duty.

Increases effectiveness of Great Lakes drug interdiction.

Requires Secretary of Transportation and the Secretary of the Treasury to enter into an agreement to increase the effectiveness of U.S. Coast Guard and U.S. Customs Services maritime drug interdiction on the Great Lakes.

Encourages Secretary of State to begin negotiations with Canadian government officials on an agreement to increase cooperation and coordination regarding drug interdiction efforts on the Great Lakes.

Authorizes appropriations.

Authorizes \$200 million for fiscal year 1989 for acquisition, construction, and improvements of the Coast Guard, to remain available until expended.

Authorizes \$80 million for fiscal year 1989 and \$20 million for each of fiscal years 1990, 1991, and 1992, for operating expenses, to remain available until expended. These amounts will be used to: increase Coast Guard active duty personnel by 500 full-time positions and to procure, enhance, relocate, operate, and maintain vessels, aircraft, radar, equipment, and structures for drug interdiction purposes.

These amounts are in addition to any others authorized for the Coast Guard this year.

SUBTITLE M—INTERPOL PROVISIONS

Authorizes Attorney General to accept money, goods, and services for purpose of hosting the May/June 1989 Interpol American Regional Conference in the United States, and for a commemorative gift to the Interpol General Secretariat on the opening of its headquarters in Lyon, France.

SUBTITLE N—CHILD PORNOGRAPHY AND OBSCENITY

Strengthens Federal laws relating to child pornography and obscenity.

SUBTITLE O—MISCELLANEOUS

Internal Revenue Service.—

Disclosure of information on certain cash transactions.

Makes it an offense to cause or attempt to cause a trade or business to evade reporting of cash receipts exceeding \$10,000 to the IRS and subjects violator to same civil and criminal penalties as person who fails to file or completes a false or incorrect return under this section. Increases penalties for willful violations.

Permits Treasury Secretary on written request to disclose returns under this section to Federal agency officers and employees for administration of non-tax related criminal statutes. This authority expires in 2 years.

Enhances undercover capabilities of the Internal Revenue Service.

State and Local Law Enforcement Agencies Reimbursement.—

Authorizes IRS to reimburse State and local law enforcement agencies for costs (up to 10% of total sum recovered) that agencies incurred in investigations that substantially contribute to the recovery of Federal taxes imposed with respect to drug related activities, or drug-related money laundering.

Establishes Law Enforcement Agency Account for reimbursements to State and local law enforcement.

*Anti-Corruption.—*Amends the mail and wire fraud statutes of title 18 to define the term "scheme or artifice to defraud;" and including "a scheme or artifice to deprive another of the intangible right of honest services." This amendment overturns the 1987 Supreme Court decision in *McNally v. United States* and is intended to permit prosecution of corrupt public officials under Federal mail and wire fraud laws.

National Commission on Measured Responses to Achieve Drug-Free America by 1995 is established.—

Chaired by Director of Office of National Drug Control Policy and comprised of 24 members, appointed by the President, who include State and local officials and experts in drug abuse prevention, treatment, education, and law enforcement.

Commission is to develop a proposed uniform code of State laws that represent measured responses to achieve a Drug Free America by 1995 and to submit its proposed code to Governors of the 50 states and the Mayor of the District of Columbia 6 months after its appointment.

Authorizes such sums as necessary to fund Commission.

Includes sense of Congress that Governors and Mayor of District of Columbia should convene State conferences for a Drug Free America by 1995 to consider the uniform code proposed by the Commission.

Federal Research and Development Plan.—Directs Office of National Drug Control Policy to develop a comprehensive plan to provide research, development, and evaluation support to Federal law enforcement agencies using existing Federal R&D facilities. GAO is to monitor development of plan and report to appropriate Congressional Committees. This section is virtually identical to section 6163 in Title VI.

Civil Air Patrol.—Requires Secretary of the Air Force to issue necessary regulations, within 45 days, to ensure integral role for Civil Air Patrol in drug interdiction and eradication activities. Requires Secretary to provide quarterly reports on these activities to appropriate Congressional Committees.

Defense Drug Interdiction Amendment.—Clarifies language in 1989 Defense Appropriations Act for appropriations of funds for drug enforcement and interdiction activities of the Army National Guard and Air National Guard.

United States Marshals.—Provide a statutory charter for the U.S. Marshals Service, modernizes the statutory authorizations for the activities of the Marshals Service, and authorizes the presidential appointment of the director of the agency.

Family Violence Data Collection.—Requires Attorney General to include data on family violence in Uniform Crime Reports and through the annual National Crime Survey to collect and publish data that more accurately measure the extent of domestic violence in America. Authorizes such sums as necessary for FYs 1989 through 1992.

TITLE VIII—FEDERAL ALCOHOL ADMINISTRATION

Alcoholic Beverage Labeling System.—

Provides for a system of alcoholic beverage labeling.

Declares it to be the policy of the Congress to establish a comprehensive Federal program to provide warnings or other information about the relationship between the consumption or abuse of alcoholic beverages and health.

The goal is to remind the public about any health hazards associated with the consumption or abuse of alcoholic beverages through a nationally uniform, nonconfusing warning notice on each container of such beverages.

Warning Labels—

Provides that one year after enactment of this title it shall be unlawful to manufacture, import, or bottle for sale or distribution in the United States any alcoholic beverage unless the container of such beverage bears the following statement:

“Government Warning: (1) According to the Surgeon General women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.”

The warning label is to be located in a conspicuous and prominent place on the container of such beverage.

The warning label is not required for alcoholic beverage containers that are manufactured, imported, bottled, or labeled for export from the United States, or for delivery to a vessel or aircraft as supplies for consumption beyond U.S. tax jurisdiction.

Requires the warning label on alcoholic beverages manufactured, imported, bottled, or labeled for sale, distribution, or shipment to members or units of the Armed Forces of the United States

Enforcement.—The Treasury Secretary is directed to ensure the enforcement of the alcoholic warning label requirements, to issue appropriate regulations, and to coordinate health efforts relating to alcohol labeling with the Surgeon General of the United States.

Preemption.—Federal alcohol labeling preempts all other State warning label requirements.

Report.—If after two years the Secretary, after consultation with the Surgeon General, determines that available scientific evidence justifies a change in, addition to, or deletion of part or all of the statement in the alcohol warning label, the Secretary shall promptly report such information with recommendations for amendments to the Congress.

Penalties.—

Subjects violators of the alcohol warning label requirements to a civil penalty of not more than \$10,000, and each day shall constitute a separate offense.

Vests United States District Courts with jurisdiction, for cause shown, to prevent and restrain violations of this title upon application of the Attorney General of the United States acting through United States Attorneys.

TITLE IX—MISCELLANEOUS

SUBTITLE A—ALCOHOL AND DRUG TRAFFIC SAFETY

Drunk Driving Prevention Programs.—Provides basic and supplemental grants to States that adopt and implement drunk driving prevention programs that include measures to improve effectiveness of enforcing laws to discourage individuals from operating vehicles while under the influence of alcohol.

No State may receive grants in more than 3 fiscal years. Federal share for year 1 is 75%, 50% for year 2, and 25% for year 3. Requires State to maintain drunk driving prevention expenditures from all other sources at average level of previous 2 years.

Maximum basic grant for a State is not to exceed 30% of amount apportioned to State under Federal highway safety programs.

Basic grants are available to States that provide for (1) an expedited driver's license suspension or revocation system for persons who drive while under the influence of alcohol and (2) a self-sustaining drunk driving prevention program in which fines collected from drunk drivers or an equivalent amount of

non-Federal funds are provided to communities with comprehensive drunk driving prevention programs.

Supplemental grants are available to States that are eligible for basic grants to fund a variety of programs including: mandatory blood alcohol concentration testing programs; programs to prevent drivers under 21 from obtaining alcoholic beverages; programs to make unlawful open alcohol containers and alcohol consumption in vehicles; and programs to suspend the registration and return the license plates of any vehicle owned by a repeat drunk driving offender or a person convicted of driving while his license is revoked or suspended for drunk driving.

Authorizes \$25 million for 1989, \$50 million for 1990 and \$50 million for 1991 for basic and supplemental grants.

Studies.—

Requires study by Secretary of Transportation, with National Academy of Sciences, to determine alcohol impairment standards and report findings to Congress within 15 months of enactment.

Requires Secretary of Transportation to conduct a study of Federal/State law enforcement exchange of information on drunk driving arrests, not later than 1 year after enactment.

Training Program.—Requires Secretary of Transportation to establish a 3-year pilot, regional program for training law enforcement officers to recognize drivers driving under the influence of alcohol or 1 or more controlled substances. Authorizes \$5 million for FY 1989, \$7 million for FY 1990, and \$9 million for FY 1991.

Random Drug Testing of New Drivers.—Authorizes \$5 million for a 4-state pilot program to randomly test new driver's license applicants for illicit drug use. Applicants testing positive shall be denied driving privileges for at least a year. Reinstitution available after three months subject to testing on a regular basis for nine months with no subsequent positive test result.

SUBTITLE B—TRUCK AND BUS SAFETY AND REGULATORY REFORM

Establishes additional safety requirements and regulations; requires the preparation of reports on improved brake systems, speed control devices, and hours of service; and authorizes additional requirements for foreign motor carriers to enhance truck and bus safety.

SUBTITLE C—COMPTROLLER GENERAL STUDY

Requires Comptroller General to prepare a report to Congress, within 1 year after enactment of this Act, to determine the impact of additional resources to certain components of the Federal criminal justice system on other components of the system and of enhanced or new Federal criminal penalties or laws on components of the Federal criminal justice system. Drawing on the findings, the report is to include a model to determine appropriate staff and budget responses to maintain the balance of the Federal criminal justice system and effectively implement changes in resources, laws or penalties.

SUBTITLE D—INSULAR AREAS

American Samoa.—

Requires Attorney General and Secretaries of Education and Health and Human Services (HHS) to provide appropriate training, technical assistance, and equipment for drug enforcement and substance abuse prevention and treatment programs.

Authorizes \$350,000 annually for substance abuse programs to be spent according to a plan approved by the Secretary of the Interior in consultation with the Attorney General and Secretaries of Education and HHS.

Requires Secretary of the Treasury in consultation with the Secretary of the Interior to provide a vessel to be used in narcotics enforcement. Authorizes \$500,000 for this purpose.

Guam.—

Requires the Attorney General and the Secretaries of Education and HHS to provide appropriate technical assistance, training, and equipment for substance abuse law enforcement, prevention, and treatment according to a federally approved plan.

Authorizes \$500,000 annually for substance abuse programs to be spent according to a plan approved by the Secretary of the Interior in consultation with the Attorney General and Secretaries of Education and HHS.

Authorizes \$500,000 for drug abuse law enforcement equipment.

Northern Mariana Islands.—

Requires the Attorney General and the Secretaries of Education and HHS to provide appropriate technical assistance, training, and equipment for substance abuse law enforcement, prevention, and treatment according to a federally approved plan.

Authorizes \$125,000 annually for substance abuse programs to be spent according to a plan approved by the Secretary of the Interior in consultation with the Attorney General and Secretaries of Education and HHS.

Puerto Rico.—

Authorizes for substance abuse programs \$7 million for FY 1989 and \$2 million annually thereafter to be spent according to a plan approved by the Executive Director of the White House Task Force on Puerto Rico in consultation with the Attorney General and Secretaries of Education and HHS.

Requires the Attorney General and the Secretaries of Education and HHS to provide appropriate technical assistance, training, and equipment for substance abuse law enforcement, prevention, and treatment according to a federally approved plan.

Virgin Islands.—

Authorizes \$2 million for 1990 and annually thereafter for substance abuse programs to be spent according to a federally approved plan.

Requires Coast Guard to station a patrol vessel in St. Croix.

Requires the Attorney General and the Secretaries of Education and HHS to provide appropriate technical assistance,

training, and equipment for substance abuse law enforcement, prevention, and treatment.

Requires the Attorney General to assign necessary personnel in the Virgin Islands for drug law prosecution.

Authorizes \$2,500,000 for a substance abuse rehabilitation center.

Palau.—

Requires the Attorney General and the Secretaries of Education and HHS to provide appropriate technical assistance, training, and equipment for substance abuse law enforcement, prevention, and treatment.

Authorizes \$500,000 for substance abuse programs for FY 1989 and annually thereafter to be spent according to a federally approved plan.

Authorizes DEA, the FBI, the Secret Service, the Immigration and Naturalization Service and the Customs Service to investigate U.S. criminal laws applicable to Palau, in cooperation with law enforcement authorities of Palau, upon the written request of the President of Palau.

*Purposes.—*Amends the purposes of the United States Insular Areas Drug Abuse Act of 1986 to also include the Trust Territory of the Pacific Islands and the freely associated states; and other abused substances in addition to drugs.

*Reports.—*Amends the requirement for an annual report to Congress on Federal efforts to prevent trafficking of abused substances in and through the U.S. insular areas to add the Trust Territory of the Pacific Islands; sets yearly October 1 deadline for the required report.

*DEA Assignment.—*Requires the DEA Administrator to assign necessary personnel and resources to the Virgin Islands and Guam for enforcement of narcotics laws.

TITLE X—SUPPLEMENTAL APPROPRIATIONS: "URGENT SUPPLEMENTAL APPROPRIATIONS ACT OF 1989 TO MEET THE DIRE EMERGENCY CREATED BY THE CRISIS OF DRUG ABUSE"

Appropriates an additional sum of \$991,400,000 for fiscal year 1989 to implement the Anti-Drug Abuse Act of 1988.

Department of Justice.—

Legal Activities.—

\$1.8 million for salaries and expenses, general legal activities:

\$800,000 earmarked for Interpol-United States National Central Bureau, and

\$1 million earmarked for Organized Crime Drug Enforcement, asset forfeiture, and civil enforcement leading to forfeiture.

\$39 million for United States Attorneys:

\$22 earmarked million are for asset forfeiture and civil enforcement actions leading to forfeiture.

\$16.4 million for U.S. Marshals Service.

\$16.4 million for United States Prisoners, available until expended,

\$4.1 million earmarked for Cooperative Agreement Program.

Transfers \$30 million from Asset Forfeiture Fund to the United States Attorneys to carry out activities authorized in the Anti-Drug Abuse Act of 1988.

Federal Bureau of Investigation.—\$15 million for salaries and expenses.

Drug Enforcement Administration.—\$30 million for salaries and expenses.

Immigration and Naturalization Service.—\$26.2 million for salaries and expenses.

Federal Prison System.—\$95.6 million for buildings and facilities, available until expended.

Office of Justice Programs.—\$90 million of which \$80 million is for Drug Control and System Improvement Grant Program and \$10 million for Public Safety Officers Benefit Program available until expended.

Department of State.—

\$5 million for development, procurement, and implementation of machine-readable travel and identity document border security program.

Funds available in P.L. 99-88 (FY 1985 Supplemental) for Emergencies in the Diplomatic and Consular Service are also made available for rewards for information concerning certain narcotics related offenses.

Funds are available until expended.

The Judiciary.—

\$35 million for Courts of Appeals, District Courts, and other judicial services.

\$15 million for Defender Services, available until expended.

\$1 million for fees of jurors and commissioners, available until expended.

Department of Labor.—\$2 million for substance abuse employee assistance programs in the workplace.

Department of Health and Human Services.—

\$283 million for the Alcohol, Drug Abuse, and Mental Health Administration.

\$3 million for National Youth Sports Program.

\$30 million for the Office of Human Development Services of which \$15 million for gang-related drug education and prevention activities and \$15 million for drug abuse prevention and education activities for runaway and homeless youth.

\$5 million for Food and Drug Administration.

Department of Education.—

\$108 million for Drug-Free Schools and Community Act, as follows:

\$7 million for teacher training program.

\$100,500,000 for other drug education programs under the Act of which \$83,214,000 for State and local drug education grant program will be available from July 1, 1989 until September 30, 1990.

\$500,000 for Program Administration account to carry out Act.

ACTION.—\$2 million for substance abuse prevention and education activities authorized under the Domestic Volunteer Service Act of 1973, of which up to \$200,000 may be used for administrative expenses.

Department of Agriculture.—Earmarks up to \$10 million of the funds appropriated under the Child Nutrition Act to be used to prepare and distribute drug abuse education materials for participants in (WIC) Women, Infants and Children Supplemental Food Program and study authorized in Anti-Drug Abuse Act of 1988.

Department of Transportation.—

Coast Guard

\$16 million for operating expenses to increase drug interdiction; requires Secretary of Transportation to submit a confidential report to Congress, within 30 days of enactment, comparing Coast Guard's 1989 planned interdiction efforts using regular appropriations with additional funds provided by Anti-Drug Abuse Act of 1988.

\$100 million for acquisition, construction, and improvements, available until expended, of which:

\$52 million is to accelerate pace of acquiring 32 HH-60 medium range recovery helicopters;

\$31 million is for cutter fleet renovation and modernization program; and

\$17 million is for the installation of radar on Coast Guard long range surveillance aircraft.

Department of Treasury.—

\$7 million for Bureau of Alcohol, Tobacco, and Firearms

U.S. Customs Services

\$8.5 million for salaries and expenses.

\$7 million for operations and maintenance, Air Interdiction Program, available until expended.

Executive Office of the President.—\$3.5 million for the Office of National Drug Control Policy.

General Provision.—None of the funds appropriated will be available beyond fiscal year 1989 unless expressly provided.

H.R. 5210, ANTI-DRUG ABUSE ACT OF 1988 (P.L. 100-690)

FUNDING SUMMARY

H.R. 5210 authorizes new spending of \$2.7 billion for 1989, divided almost evenly between drug demand reduction efforts and drug supply reduction programs. The Act also provides new appropriations (BA) of \$991 million for 1989 which will result in about \$500 million in actual 1989 spending (outlays). The new BA and outlays for 1989 are allocated approximately 45% to demand reduction and 55% to supply reduction. Approximately \$1.7—\$1.8 billion of the amount authorized in the Act remains unfunded.

The following table summarizes the funding provided by the Act.

[In millions of dollars]

	Budget authority	Outlays
1. Total authorization in H.R. 5210.....	¹ 5,458	² 3,283
2. Amount authorized in H.R. 5210 that is included in regular 1989 appropriations.....	2,710	1,765
3. New funding authorized, i.e., amounts authorized in H.R. 5210 that are in addition to amounts included in regular 1989 appropriations (line 1—line 2).....	¹ 2,748	² 1,519
4. Supplemental appropriations in H.R. 5210.....	¹ 991	² 505
5. Unfunded authorization (line 3—line 4).....	1,757	1,014

¹ Does not include \$65 million in direct spending authorized from assets forfeiture funds.² Does not include \$35 in direct spending from assets forfeiture funds.

The following tables provide additional details on funding under the Anti-Drug Abuse Act of 1988.

FUNDING SUMMARY, FISCAL YEAR 1989

[In millions of dollars]

	Amounts authorized		Amounts appropriated in drug supplemental
	Total	New ¹	
Grand total ²	5,458	2,748	³ 991
I. Federal drug policy coordination.....	4	4	4
II. Law enforcement (total).....	1,207	963	423
State/local grants.....	275	205	80
Federal enforcement (subtotal).....	932	758	343
DEA.....	76	76	30
FBI.....	30	30	15
U.S. attorneys.....	69	69	69
INS.....	52	52	26
U.S. marshals.....	22	22	16
Federal prisons.....	227	227	96
Federal judiciary.....	89	89	51
BATF.....	11	11	7
Other.....	356	182	33
III. International narcotics control (total).....	119	18	0
State department, INM.....	101	0	0
Other.....	18	18	0
IV. Interdiction (total).....	1,541	374	132
Coast Guard.....	280	280	116
Customs Service.....	1,261	94	16
V. Demand reduction (total).....	2,574	1,376	433
Treatment (subtotal).....	1,634	953	210
ADMS block grant.....	1,500	819	125
Waiting list reduction grants.....	100	100	75
Drug abuse demonstrations.....	34	34	10
Prevention/education (subtotal).....	566	258	172
Drug-Free Schools Act.....	366	119	108
Office of Substance Abuse Prevention.....	95	61	15
Youth gangs.....	15	15	15
Runaway youth.....	42	15	15
Community prevention grants.....	40	40	15
Employee assistance programs.....	4	4	2
Action.....	4	4	2
Drug and alcohol research.....	227	20	40
Indian programs.....	30	30	0
Veterans drug and alcohol programs.....	16	16	0
Other.....	101	99	11
VI. Other (insular areas, grants for supply and demand reduction activities).....	13	13	0

¹ "New" funding is the amount authorized in H.R. 5210 in addition to amounts already included in regular 1989 appropriations.² Amounts shown do not include \$65 million in direct spending authorized from assets forfeiture funds.³ Total does not add due to rounding.

FUNDING IMPACT ON KEY DRUG PROGRAMS

[In millions of dollars]

	Amounts in regular 1989 appropriations	1989 total	President's 1989 request	1988
I. Federal drug policy coordination.....	0	4	0	0
II. Law enforcement:				
State/local grants.....	70	150	0	0
Federal enforcement:				
DEA.....	505	535	538	494
FBI.....	1,409	1,424	1,503	1,388
U.S. attorneys.....	391	460	424	380
INS.....	800	826	859	741
U.S. marshals.....	190	206	208	183
Federal prisons.....	1,167	1,263	1,505	932
Federal judiciary.....	1,209	1,260	1,528	1,153
BATF.....	234	241	219	218
Other.....	¹ 577	¹ 610	¹ 513	¹ 505
III. International narcotics control:				
State Department, INM.....	101	101	101	99
Other.....	NA	NA	NA	NA
IV. Interdiction:				
Coast Guard.....	² 2,407	2,503	2,419	³ 2,143
Customs Service.....	1,167	1,183	1,109	1,109
V. Demand reduction:				
Treatment:				
ADMS block grant.....	681	806	675	643
Waiting list reduction grants.....	0	75	0	0
Drug abuse demonstration.....	0	10	0	0
Prevention/education:				
Drug-Free Schools Act.....	247	355	250	230
Office of Substance Abuse Prevention.....	34	49	34	34
Youth gangs.....	0	15	0	0
Runaway youth.....	27	42	26	26
Community prevention grants.....	0	15	0	0
Employee assistance programs.....	0	2	0	0
ACTION.....	168	170	166	163
Drug and alcohol research.....	207	247	187	182
Indian programs.....	NA	NA	NA	NA
Veterans drug and alcohol programs.....	NA	NA	NA	NA
Other.....	9	20	2	¹ 8
VI. Other (insular areas, grants for supply and demand reduction activities)	0	0	0	0

¹ Amount shown is only a partial total. Funding not available for some programs included in this category.² Includes \$250 million transfer from DoD.³ Includes \$128 million under the DoD Appropriations Act.

U.S. FOREIGN POLICY AND INTERNATIONAL NARCOTICS CONTROL

PART I—MARCH 16, 1988

Witness:

Leon B. Kellner, United States Attorney, Southern District Florida.

The sole witness at this hearing, which was held on March 16, 1988, was Mr. Leon Kellner; the U.S. Attorney for the Southern District (Miami) of Florida.

Chairman Rangel opened the hearing by saying it was a unique situation when the de facto head of a foreign government is indicted, particularly when the Administrator of the Drug Enforcement Administration, John Law, has said he had no information on Noriega's involvement in drug trafficking, and the State Department appears to be plea bargaining on his behalf.

Congressman Fauntroy said many foreign governments are under the control, or in danger of coming under the control, of drug traffickers. Congressman Fauntroy is the head of the Congressional Task Force on Haiti. Fauntroy said there was a relationship between drug trafficking and the violence in Haiti last November, which caused the Haitian election to be postponed. Congressman Fauntroy said it may well be that our foreign policy priorities are wrong, and that the drug cartel should be our number one foreign policy priority.

Mr. Kellner said the narcotics problem is far and away the number one problem facing America. In fiscal year 1987 law enforcement agencies in South Florida seized over 30,000 tons of cocaine, which is 62 percent of all the cocaine seized in the United States in fiscal year 1987. He said that cocaine seizures of over 1,000 pounds are not uncommon and that a seizure of 8,000 pounds was recently made. All types of methods are used to conceal the cocaine, limited only by the imagination of man, and that over 90% of seizures now involve amounts larger than necessary to impose minimum mandatory sentences.

Mr. Kellner said that because the volume of cocaine coming into South Florida was so large, he decided to focus on the criminal organizations shipping the cocaine to the United States. In August 1986, he indicted members of the Medellin Cartel. Corruption of drug law enforcement officers is both an internal and external problem of the United States. For example, the Assistant Police Chief of Key West Florida and 15 former Miami, Florida, police officers were recently indicted for facilitating drug sales.

Mr. Kellner said that whenever his office develops credible information on a foreign official, that information is pursued regardless of the position of the defendant. He said the cooperation of Costa Rican authorities led to the indictment of General Noriega. Mr. Kellner stressed that he brings indictments on the basis of legally sufficient evidence, and not on the basis of rumor and suspicion.

Mr. Kellner said he was deeply troubled by the damage narcotics trafficking is doing to the United States. He said that America must develop the resolve to deal with the issue of narcotics, including placing it at the top of our foreign policy agenda. He said we must develop effective policies to control both the supply of, and demand for, drugs. He stated that the problem of drugs was not created overnight, and it will not go away overnight.

Mr. Kellner told Congressman Rangel that Attorney General Edwin Meese and he were the only two officials in the U.S. with the legal authority to dismiss the indictment against General Noriega.

Mr. Kellner said that he did not do anything different to secure the indictment against Noriega other than to assign his most senior prosecutors to the case and to become personally involved in the management of the case. He said that when he indicts someone

he assumes the case will go to trial and that he prepares the case for trial. Mr. Kellner said that he assumed Mr. Lawn knew of the investigation, because his DEA agents were making the case.

Mr. Kellner said that he had prepared papers to secure Noriega's extradition and that he put out "a red notice" on him through Interpol. This says that Noriega is a fugitive from justice and asks any foreign jurisdiction in which Noriega is found to hold him conditionally until he can be turned over to the United States to face the indictment. Mr. Kellner admitted that the chances of extraditing Noriega to the U.S. to face the indictment were slim, but he said if the indictment is not brought then there is no basis for trying him if he ever does leave Panama. For example, he indicted members of the Medellin Cartel under similar circumstances, and now Carlos Lehder has been brought to the U.S. to stand trial.

Congressman Fauntroy commended Mr. Kellner on his courage and commitment in bringing the indictments against General Noriega and Colonel Jean Claude Paul of Haiti. Kellner said that he could not comment on any other steps he is taking against Colonel Paul. He stated that he follows up on credible allegations and not on rumors.

Mr. Kellner said that over the past year he has seen increasing amounts of cocaine coming to the United States from Haiti. Recently, the Coast Guard seized a Haitian ship with 1,000 pounds of cocaine on it.

Mr. Kellner said that Noriega and Paul enjoy a presumption of innocence and that it is his job to prove them guilty, not their job to prove their innocence. Kellner said that if Attorney General Meese asked him to withdraw the indictment against General Noriega he would cross that bridge when he came to it. He said he was glad that he did not have to deal with the people he indicted, and that he did not worry about the foreign policy implications of the indictments he brought.

Mr. Kellner said that he thought Noriega only turned over to the DEA drug dealers who were not cooperating with him. Chairman Rangel said he could believe Noriega cooperated with the DEA on this type of limited basis.

Mr. Kellner told Congressman Gilman that he did not know what percentage of drugs entering the U.S. came from Haiti. He said he could not comment on whether there were organized drug trafficking groups operating in Haiti.

Mr. Kellner said Floyd Carlton, a convicted money launderer furnished him with the first hard evidence against Noriega. The indictment against Noriega alleges that in 1984, Noriega received \$4 million from the Medellin Cartel to provide them with protection. Panamanian banks have also played a key role in money laundering, Kellner said.

Mr. Kellner said he called William Weld, Assistant Attorney General, Criminal Division, and told him he planned to indict Noriega and sent him a draft copy of the indictment. He came to Washington, D.C., to discuss the indictment with him, and informed the State Department that he was going to bring the indictment against Noriega. He said the State Department expressed concern over how he structured the RICO charge against Noriega.

Mr. Kellner told Congressman Coughlin that he could not comment on the extent of corruption in the Panamanian Defense Forces because this would be in derogation of his responsibility as a representative of the criminal justice system. Mr. Kellner said that while he was appreciative of the tools furnished to him in the Comprehensive Crime Control Act, and the Anti-Drug Abuse Act of 1986, these statutes would result in more people being held in pre-trial detention, and less plea bargaining, since there was no possibility of plea bargaining when there were mandatory minimum sentences for various drug offenses. He also said that because of these statutes, the nation's prison population would greatly increase in the years ahead, and we should prepare for this reality.

Chairman Rangel said that the Congress had to force resources down the throat of the Administration, but the Administration had refused to utilize effectively the resources it did not request. Regarding whether the death penalty served as a deterrent in drug cases, Mr. Kellner said the problem with the death penalty is that it takes a long time to run its course, and occasionally the prosecution makes a mistake in bringing an indictment. This concluded the hearing.

PART II—TUESDAY, MARCH 29, 1988

Witnesses:

Norman A. Bailey, Former Senior Staff Member, National Security Council.

Elliott Abrams, Assistant Secretary of State for Inter-American Affairs.

Mark Dion, Deputy Assistant Secretary of State for International Narcotics Matters.

John C. Lawn, Administrator, Drug Enforcement Administration.

William von Raab, Commissioner, U.S. Customs Service.

On Tuesday, March 29, 1988, the Select Committee on Narcotics held a hearing on United States foreign policy and international narcotics control. This hearing was a sequel to the Committee's March 16 hearing with U.S. Attorney Leon Kellner, focusing on Panama and Haiti, and to the Committee's executive session briefing of the same day with U.S. intelligence community representatives, focusing on drug trafficking and official corruption in Panama, Haiti and throughout Latin America and the Caribbean.

The hearing was called to examine two basic issues: (1) what priority is given to narcotics control in the conduct of American foreign policy, and (2) are narcotics issues submerged to other considerations in the making of U.S. foreign policy? Congressman Gilman said our international narcotics control policy is in need of Congressional oversight and review. He said that narcotics are eating away at the fabric of American society like a cancer which is out of control.

Congressman Fauntroy said that the drug cartels of South America control nations, judges, and prosecutors. He said that when governmental officials are involved in drug trafficking, then the political will to control narcotics is lacking. In Haiti, as in Panama, the people the United States depends on for cooperation are themselves

involved in drug trafficking, he said. Congressman Oxley stated that each country is a separate case in terms of narcotics.

In March 1981, Dr. Norman Bailey was appointed to the position of Director of Planning on the staff of the National Security Council. Eventually he became the Special Assistant to President Ronald Reagan for National Security Affairs and Senior Director of International Economic Affairs. In his position he was particularly concerned with money laundering activities conducted in Panama and other countries.

Dr. Bailey said that since at least the 1970's the Panama Defense Forces (PDF) and its high officials have been extensively and directly engaged in, or engaged in aiding and abetting, drug trafficking, money laundering, and gun running. Dr. Bailey said that the National Bank of Panama returns hundreds of millions of dollars in banknotes to the Federal Reserve every year, obviously the result of criminal activity.

Dr. Bailey told Select Committee Members that in addition to drug trafficking, money laundering, and gun running, General Noriega, the Commander of the PDF, has been for many years, first, a double agent working simultaneously for Castro and the CIA, and later a triple agent, working also for the Sandinistas. General Noriega also ordered the assassination, in September 1985, of Dr. Hugo Spadafora, a Noriega opponent, reportedly upon the orders of the drug barons of South America. Dr. Bailey said an unclassified memo of the U.S. Southern Command, dated November 1, 1985, stated "... the leadership of the PDF disregards human rights, is often arbitrary, high-handed, and is involved in illegal activities (e.g. drugs). The U.S. Government is aware of this situation." Dr. Bailey concluded that the only possible reasons or excuse for being ignorant to the situation in Panama would be because the person involved did not want to know, or find out, or willfully ignored, the overwhelming evidence.

Dr. Bailey said that the evidence against Noriega was overwhelming. Dr. Bailey said that he passed the information he acquired on Noriega's involvement in money laundering on to Dr. Carlton Turner of the White House Domestic Policy Staff. Dr. Turner was Director of the Drug Abuse Policy Office in the White House.

An important point made by Dr. Bailey was that there is a difference between countries like Colombia which do not have control over the drug-producing areas in their countries, but where the government of the country is not corrupt, and countries like Panama where the government itself is corrupted by the drug traffickers. He said that the only reason he could give for the CIA's dealing with Noriega was that they felt they were getting more from him than they were giving. He also mentioned that many of Noriega's activities took place while President Carter was negotiating the Panama Canal Treaty with General Trojillo, and therefore activities might have been tolerated which ordinarily would not have been in the interest of getting the Treaty ratified. He also said the U.S. Defense Department did not want "to rock the boat" in Panama.

Dr. Bailey said that narcotics had a very low priority in the decision making process of the National Security Council. He said that

nothing was done about Panama until after the assassination of Dr. Spadafora and the removal from office of Panamanian President Barletta by General Noriega.

Congressman Fauntroy commended Dr. Bailey for his honor and courage, and said that after what Dr. Bailey had testified about Noriega, he found it hard to see any gray areas. Dr. Bailey agreed. He said Panama presented a black-and-white case. Dr. Bailey said that the other government in the Western Hemisphere which is actively involved in drug trafficking is the government of the Bahamas. Congressman Fauntroy said that he was also concerned about Colonel Paul of Haiti.

Dr. Bailey said that the Medellin Cartel has told Noriega that they will kill him if he leaves Panama, and that no one can protect Noriega if the Cartel decides to kill him. Dr. Bailey said that America's sophisticated weapons were useless to protect Noriega against the Cartel, where a strong personal security force was needed.

Congressman Oxley asked Dr. Bailey to what extent was information on Noriega available to the Congress during the debate on the Panama Canal Treaty. Congressman Oxley said that while he was not a member of the Congress at that time he did not remember any argument against the treaty on the grounds that Noriega was involved in drug trafficking, money laundering, and gun running. Dr. Bailey said he did not know the answer to Congressman Oxley's question.

Dr. Bailey said that corruption was endemic to the PDF. He said that the size of the PDF should be reduced by one-third to one-half and that all of the top officers of the PDF should be replaced. He stated that replacing General Noriega would not solve the problem of corruption in the PDF, because Noriega would probably be replaced by another top officer of the PDF, but that replacing Noriega was a start at reform. He also predicted that as the U.S. presidential election intensified in the coming months people would forget about the situation in Panama. Dr. Bailey, whose Ph.D. is in economics, said that at the time he was at the NSC the government of Colombia was remarkably drug free.

Leading off the panel of administration witnesses Elliott Abrams said that he did not see any desire on Noriega's part to leave Panama. In fact, he said, General Noriega had met with two representatives of the State Department about 10 days ago (approximately March 19, 1988), and rejected suggestions that he accept an offer extended by the Government of Spain to reside in that country. Subsequent to the meeting with the U.S. State Department representatives, Noriega met with representatives of the Government of Spain, and refused their offer to live in Spain.

Chairman Rangel asked Mr. Abrams, if he would contradict that it would be in our best interests to support government leaders engaged in drug trafficking when we have higher interests at stake? Mr. Abrams responded that there has to be a distinction between evidence on which foreign policy is made and that which can be taken to a grand jury. Chairman Rangel said he was troubled by the practice of using the American judicial system to achieve United States foreign policy objectives. Mr. Abrams said that since

the summer of 1985, the State Department has regarded the situation in Panama as intolerable.

Congressman Gilman asked Mr. Abrams if, prior to 1988, he was aware that Noriega was acting as a triple agent. Mr. Abrams responded that General Noriega is loyal to no one, and the State Department always assumed this. He admitted that prior to the indictment of Noriega, the State Department and Justice Department consulted on the indictment. He said that the State Department has been watching the situation in Panama very closely for the last nine months. When State Department representatives met with General Noriega in Panama they told him the indictments against him could not be quashed, Abrams said.

Congressman Gilman asked Mr. Abrams what his recommendations were with regard to certification for Mexico. Mr. Abrams replied that there had been a number of discussions on certification for each of the countries at issue. He would not reveal what he recommended to his superiors. There were differences of opinion, he said. At this point, Chairman Rangel interjected, saying that record should show that the Department of State recommended against certification. Mr. Abrams said the Administration was trying to come up with new strategies to deal with drug eradication and interdiction.

Congressman Gilman asked Mr. Abrams what had happened to the idea of an Andean Summit (a summit of the leaders of the Western Hemisphere to discuss narcotics issues). Mr. Abrams responded that it just never worked out, and that now the Moscow Summit was pending. Mr. Gilman then asked if the same thing could be done with a foreign ministers conference on drugs? Mr. Abrams said that he would not recommend a meeting of the foreign ministers because they cannot control resources internally.

Congressman Fauntroy said the United States has waged economic warfare against Panama, but the United States is not getting the same effort to assist Haiti. He asked why the United States did not begin to use a similar policy with regard to Haiti? Mr. Abrams answered that he did not think the situations were analogous. In Panama, the United States "got behind" a growing public mood against Noriega. He said he did not see any parallels with the President of Haiti, Mr. Manigat.

Congressman Oxley asked Mr. Abrams if he shared Dr. Bailey's sentiments regarding Panama? Abrams answered yes but he said, however, that cooperation between the United States and Panama is very high. Honduras has a drug problem, Abrams said, because it lies between the drug-producing nations of South America and the United States. Mr. Abrams gave Prime Minister Seaga of Jamaica an example of a Caribbean leader who has cooperated with the United States on narcotics control. Mr. Abrams said that President Reagan and Secretary of State Shultz recently congratulated President Joaquin Balaguer for the narcotics control efforts of the Dominican Republic.

Customs Commissioner William von Raab, who has been particularly critical of the narcotics control efforts of Mexico, testified next. He said that there has been no change in the level of cooperation the United States has received from Mexico in the last two years. The bellwether test he uses to judge the degree of coopera-

tion that exists between the two countries is whether Mexico will permit joint U.S./Mexico crews to fly over the Mexican border in Customs aircraft in hot pursuit of suspected drug smugglers. To date, Mexico has refused all such requests. Mr. von Raab said that many drug smuggling operations have been established in Northern Mexico within easy reach of the United States border. Mr. von Raab said that corruption among senior law enforcement personnel in Mexico is pervasive and has caused the United States to have to deploy considerably more resources along the U.S./Mexican border.

Mark Dion said the United States believes that The Bahamas, like most source and transit countries, must do more to curb narcotics-related corruption. Cocaine and marijuana are the principal drugs smuggled through The Bahamas. Seizures of marijuana and cocaine in The Bahamas increased by 300 percent in 1987, as compared to 1986. A high level of cocaine (primarily "crack") addiction now exists in The Bahamas. The sky-rocketing crime rate appears to be directly linked to increases in addiction.

On balance the situation in the Bahamas is mixed, he said. To date, the Government of The Bahamas has not vigorously enforced the new narcotics legislation enacted in January 1987. No court proceedings to seize or forfeit assets gained through narcotics trafficking were undertaken during 1987. The Government of The Bahamas still lacks an effective system or policy to deal with official corruption.

Mr. Dion, in his prepared statement said, "Nevertheless, the situation is better this year than last year and there are clear indications that many Bahamians, including several officials at the highest level, are cooperating to the best of their ability. The decision to certify The Bahamas is based upon the principal factors of proven cooperation and our desire to strengthen the hands of those in the Bahamas who clearly wish to do more."

Regarding Mexico, Mr. Dion in his prepared statement said, "While it is true that the Government of Mexico has not yet addressed all allegations of official corruption in a systematic fashion, Mexican officials recognize the problem and are intensifying efforts to combat narcotics corruption."

Mr. Dion continued, "The Mexicans have also significantly increased seizures of poppy derivatives, marijuana and cocaine. After the recently concluded summit meeting in Mazatlan, we believe that the de la Madrid government is fully committed to improving the effectiveness of its anti-drug activities. While Mexican anti-drug efforts are not yet all that we would like, we are very encouraged by the recent Mexican initiative to appoint a cabinet-level task force to coordinate drug policy and programs."

On Panama, Mr. Dion said in his prepared statement, "Panama was successful last year in suppressing traffic in cocaine and precursor chemicals and is reducing its very small marijuana production. However, Panama continues to be the major Latin American center for laundering narcotics profits, and that along with the potential for corruption to erode these gains in other enforcement areas is the dominant U.S. narcotics concern."

Mr. Dion continued, "As evidenced by the indictments returned against General Noriega, narcotics-related corruption in Panama is extensive, and features money laundering. As a result of its geo-

graphic location, its tight banking and commercial secrecy laws, the prevalence of English as a second language and the use of the U.S. dollar as local tender, Panamanian banks are being used to launder money for drug traffickers on a large-scale basis."

On Haiti, Mr. Dion said, "Haiti is a significant transit point for cocaine and other drugs exported from Latin America to the United States. The indictment of Colonel Jean Claude Paul, Commander of the Dessalines Battalion, has focused greater attention on Haiti as a venue for narcotics traffickers. The Government of Haiti has requested the evidence on which Colonel Paul was indicted. The request presently is under consideration by the Department of Justice.

Regarding Honduras, Mr. Dion in his prepared statement said, "Honduras is a transfer point for significant quantities of cocaine from Colombia to the United States. The trafficking networks using Honduras are primarily run by U.S. citizens or Colombian nationals."

Chairman Rangel remarked that the Reagan Administration has been abusing the certification process if they say we are getting cooperation from Mexico. Mr. Lawn said there are problem areas with Mexico, but that the United States is getting cooperation from Mexico. However, he said that DEA cannot tell the Mexican Government where to conduct crop eradication, and cannot overfly areas independently to verify the amount of narcotics eradicated. Also, most eradication verification is done by fixed wing aircraft which can not drop down in specific fields. Chairman Rangel said that he was convinced that it was the position of the Government of Mexico that whatever lack of success they have had in their narcotics control program has been due to lack of equipment and not to lack of commitment. With regard to the priority of narcotics control in U.S. foreign policy, Chairman Rangel remarked that when he sees Secretary of State Shultz on the Sunday morning news programs, he never hears him speak about narcotics.

Mr. Dion said that the 1986 Anti-Drug Abuse Act had been an enormous weapon in America's fight against drugs. He said that the Department of State did not oppose creation of a joint Mexico-U.S. Interparliamentary Commission, but only a joint Commission with representatives of both the Executive and Legislative branches on it.

Mr. Lawn urged that precursor chemical legislation, presently pending in the Congress should be passed. Congressman Gilman said he would pursue the precursor chemical legislation.

Congressman Parris asked Commissioner von Raab what percentage of illegal smuggling flights the U.S. Customs Service was interdicting. Mr. von Raab said that in the southeastern United States, the figure was 50%, in the Gulf of Mexico it was 10%-15%, and along the southwest border the figure was less than 5%. Congressman Parris said that unfortunately flying "dope" into the United States is not classified as a serious crime. He said it was time to seriously review additional activities to stop the flow of drugs. Mr. von Raab said he agreed, the ante must be raised.

Congressman Fauntroy asked Mr. Lawn what the DEA did to investigate the allegations of corruption which were made against General Noriega in 1986? Mr. Lawn answered that not until Floyd

Carlton agreed to testify as part of a plea bargain in June 1987 did the DEA have a witness who was willing to testify against Noriega. Chairman Rangel said that at about the same time, June 2, 1987, he met with Administrator Lawn and other Administration officials who were escorting visiting Panamanian officials and who praised Noriega's anti-drug efforts. Lawn responded that this meeting predated Carlton's testimony, that it was in reference to a specific case, Operation Pisces, and that he was not clairvoyant.

Regarding the Camarena and Cortez cases Mr. Lawn said that the indictment returned on January 6, 1988, in Los Angeles was the result of a massive DEA investigation. He remarked that the Mexican system of justice is different than the United States, but that it is ongoing and ultimately justice will be done.

Congressman Dornan asked the opinion of the witnesses on the drug czar concept. Mr. Dion responded that things are imperfect, and could be better, but he did not think creating a cabinet officer with authority to take personnel from other Cabinet Departments would work.

Congressman Lawrence Smith expressed displeasure to DEA Administrator John Lawn that the Government of Mexico was certified, when they have not cooperated with the United States in permitting the U.S. Customs Service to pursue suspected drug smugglers into Mexico, or the DEA to verify crop eradication, and have moved very slowly, if at all, on the Camarena and Cortez investigations. Congressman Smith called the certification process "a disgrace and a joke" and he asked, "Why do we continue to do business with these people?" Mr. Lawn responded that "we weigh the things you mentioned and what our options are." Mr. Lawn said, "Drugs are my only issue and no politician has ever told me not to do something, because it would adversely affect our foreign policy." Mr. Smith also made the point to Mr. Dion that there was no point having the certification statute if it was not being used.

This is a summary of the major points made at the hearing.

NATIONAL DRUG POLICY BOARD STRATEGY PLANS

(APRIL 14, 1988)

Witnesses:

Francis A. Keating, II, Acting Chairman of the Enforcement Coordinating Group of the National Drug Policy Board, Assistant Secretary of the Treasury for Enforcement and Associate Attorney General Designate.

Don M. Newman, Under Secretary of Health and Human Services, on behalf of Health and Human Services Secretary Otis Bowen, Vice Chairman of the National Drug Policy Board.

On Thursday, April 14, 1988, the Select Committee on Narcotics held a hearing on the strategy plans of the National Drug Policy Board. Specifically, the purpose of the hearing was to review the Reagan Administration's nine-part strategy document for fighting the war on drugs. The document is comprised of lead agency committee reports on strategy implementation plans and covers the areas of international, investigations, interdiction, prosecution, pre-

vention, education, high risk youth, treatment, intelligence, and mainstream adults.

Chairman Rangel opened the hearing by commenting that while the goals of the Administration's strategy document were commendable, it was unclear whether the report was for one year, five years, or ten years. Chairman Rangel stated that one nation after another is overwhelmed by drugs, and that the Select Committee had hoped to receive a mandate from President Reagan on what Congress' role in the drug war should be.

Citing the slaying of New York Police Officer, Edward Byrne, by drug traffickers, Chairman Rangel said that drug traffickers now have the same arrogance for United States laws as they do for the laws of South America. He indicated he was particularly upset by the continued refusal of the Reagan Administration to authorize funds for State and local police departments.

Chairman Rangel said it had taken seven years for him to meet the top officer of the government for drug abuse prevention and treatment activities. He wanted to hear about the Administration's policy regarding AIDS and intravenous drug use.

Mr. Rangel concluded that while any new drug initiative was not possible at this time, he hoped the Administration would develop a mandate for the next Administration on drugs.

Congressman Parris was critical of the Reagan Administration strategy document because it did not discuss resources or funding. He suggested that while Operation "Clean Sweep" had resulted in 30,000 arrests in the last four years, one could buy any drug on any corner in the District of Columbia. He asked what was going to be done about this. Mr. Parris asserted that drug use had not leveled off in the District of Columbia, in his Congressional District, or in the United States, and we are only interdicting five percent of the known drug traffic in the Southwestern United States.

Mr. Keating, who had just returned from a five-country South American study mission lead by Attorney General Edwin Meese, began his testimony by summarizing the history of the National Drug Policy Board. He also reviewed the origin and development of the strategy documents being reviewed by the Select Committee at the hearing.

According to Mr. Keating, the cabinet-level Policy Board, created by an Executive Order in 1987 and chaired by the Attorney General, meets monthly and develops overall drug program policy, facilitates coordination, and resolves interagency disputes. The agency-level Coordinating Groups, one focusing on demand-side issues and the second on supply-side issues, translate the Board's policy decisions into an integrated strategy. Nine lead agency committees, created by the Board in May 1987, submit strategy plans to the Policy Board for approval, implement the strategy, and work to ensure interagency coordination within their particular areas of responsibility.

In May 1987, the Policy Board issued its Lead Agency Directive designating lead agencies for the nine functional areas of the Federal drug control program. DEA is the lead Federal agency for drug investigations and intelligence. The Department of Justice is the lead for prosecution of drug trafficking investigations. The State Department leads the coordination of United States drug con-

trol efforts overseas. The Customs Service is the lead agency for interdiction of illicit drugs into the United States.

In August 1987, the Attorney General tasked each Lead Agency Committee to develop a document detailing the policies, strategies, programs, objectives, and necessary resources for its area of responsibility. In September 1987, the initial drafts of these strategies were provided to the Policy Board staff.

In October 1987, the Enforcement Coordinating Group and the Prevention and Health Coordinating Group reviewed each draft strategy. After revisions were made, the Policy Board reviewed each strategy document during November and December 1987.

In January 1988, the Policy Board approved, in principle, the nine Lead Agency Strategies. In addition, the board reviewed and discussed the President's FY 1989 Federal drug budget, which provided an overall increase of 13 percent over FY 1988. In February, the Lead Agency Committees were requested to convert their strategy *planning* documents into FY 88-89 strategy *implementation* plans consistent with available resources.

In his testimony Mr. Keating presented the objectives and highlights of the various portions of the enforcement strategy.

Congressman Gilman then commented that internationally the picture has gotten quite bleak. He indicated his hope that Mr. Keating would ask President Reagan to convene a world summit conference on drugs.

Chairman Rangel introduced Under Secretary Newman. Mr. Rangel said the Committee is primarily concerned with demand reduction because every producing country the Committee visits blames the drug problem on U.S. demand. He said he was a little embarrassed when the President met with the President of Mexico and instead of speaking about interdiction, production, and eradication, he agreed that drugs are "a demand problem". He said he had heard that the primary strategy for demand reduction is to arrest the user. He noted that New York City had 80,000 drug arrests and that Secretary of Education Bennett had told the Committee the education strategy was to kick drug users out of school. The Chairman indicated his hope that it was a new strategy that was being presented in the Policy Board documents.

Secretary Newman informed the Committee Members that demand reduction seeks to make drug use unpopular and unacceptable. Drug abuse education seeks to prevent drug use among American's youth and to disseminate research and information. Newman stressed that high risk youth who use drugs are responsible for their behavior. The National Institute on Drug Abuse is responsible for conducting research on drug abuse treatment. One of the purposes of the Federal drug strategy is to develop a drug abuse treatment network.

After Mr. Newman concluded his testimony, Congressman Gilman reviewed the history of the various offices formed to combat drug abuse in the 1970's and 1980's. He indicated that he failed to see how we have made any significant step forward in the implementation of a national drug strategy.

Chairman Rangel asserted that there has been no strategy.

Mr. Keating admitted that "turf battles" still occur, but he said that much progress had been made and under the structure of the

National Drug Policy Board and the new Lead Agency structure, agencies are encouraged to share intelligence, operations and jurisdictions. Mr. Keating said seizures along the southwest border have risen twofold or threefold. He asserted that having a structure that requires agencies to share and put someone in charge of something is a tremendous step forward.

Congressman Gilman reminded Mr. Keating that the Members of the Select Committee have supported creation of a drug czar for a long time. Mr. Keating indicated that he believed that the National Drug Policy Board under the Attorney General, with an enforcement committee representing the heads of all the law enforcement agencies and following a strategy, is doing exactly what a drug czar would do. Congressman Gilman expressed the hope that agencies would follow Mr. Keating's view on the need for coordinated action against drugs, rather than treating the narcotics problem as a diplomatic effort among agencies.

Congressman Gilman asked Mr. Keating when he anticipated that the 1988 Federal drug strategy would be implemented? Mr. Keating cited the increased resources, such as aerostats, that have been placed along the southwest border and in the Caribbean, and said it would be incorrect to say nothing was done on drugs in 1986 and 1987.

Mr. Gilman indicated to Mr. Newman that there were rumors that the funds of the Office for Substance Abuse Prevention were to be transferred to other sections of the Department of Health and Human Services. Mr. Newman told Congressman Gilman that there are no plans to merge the Office for Substance Abuse Prevention with any other office. Mr. Newman said the Department of Education and HHS perform similar functions in drug abuse education, but for different populations.

Mr. Gilman inquired whether Mr. Newman was convinced that the education funds available under the Anti-Drug Abuse Act of 1986 had reached the local levels in the States. Mr. Newman said New York State was entitled to receive \$13,459,000 from the Department of Education and to date had drawn down \$7,601,248 of this money. Mr. Gilman asked whether this money was in the local school districts yet, and Mr. Newman indicated they did not know. Mr. Dick Hays of the Department of Education, who was in the audience, interjected that New York State was behind other states in distributing funds and that only about \$1 million had actually been granted to local school districts.

Chairman Rangel remarked that Secretary of Education William Bennett had told him that the Department of Education's policy was "zero tolerance" for drug use and that means kicking the user out of school. He asked Mr. Newman whether this was a correct interpretation. Mr. Newman indicated it was not. He conceded, however, that ultimately, the Administration favors a policy of arresting drug users.

Mr. Rangel was critical of the lack of any Federal drug treatment facilities, not even one located in the nation's capital. Chairman Rangel said the drug strategy was the Reagan Administration's legacy for the next Administration.

Chairman Rangel expressed his particular concern over the continued failure of the Reagan Administration to authorize money

for State and local police departments and governments for narcotics enforcement. He mentioned the recent murder of New York City Police Officer Edward Byrne as proof that State and local police departments need additional money for narcotics law enforcement. Chairman Rangel suggested that designating the Drug Enforcement Administration as the lead agency for drug law enforcement meant nothing without the support of State and local police.

Mr. Keating explained that the money was needed for Federal enforcement and therefore money was not available for State and local enforcement. Congressman Rangel pointed out that a violation of State law is also a violation of Federal law. Mr. Keating said it was anticipated that \$112 million in asset forfeitures would be given in fiscal year 1989 to State and local police departments. He indicated that the Administration supported \$200 million for State and local law enforcement in 1986. Congressman Rangel pointed out that that was the amount included in the Anti-Drug Abuse Act of 1986 for State and local law enforcement and that that Act was a veto-proof Congressional initiative.

Congressman Dornan warned the Administration witnesses that the Democrats were about to seize control of the drug issue in the current Presidential campaign. Mr. Dornan suggested that the drug issue merits a Cabinet Secretary who would be responsible for managing the war against drugs on a full-time basis, and he urged the witnesses to take that message back to the Administration. "I think my Chairman on this Committee is correct," he said. "In a bipartisan spirit, I do not see a strategy." He called for a national, bipartisan program to save the next generations from recreational drug use.

Congressman Dornan said that he had recently visited the El Paso Intelligence Center and that while he was impressed with the people there, he was not impressed by the facilities. He mentioned that he had also been to Honduras and witnessed the riots by the people following the arrest and extradition to the United States of Juan Roma Matta Ballesteros. He said that drugs are being shipped out of Vietnam to the United States to poison Americans.

Congresswoman Cardiss Collins asked what was being done to implement the recommendations of the Presidential commission on the AIDS epidemic? Mr. Newman said this was only an interim report. He went on to say that the Administration has a strategy—drug addicts who visit treatment centers are tested for AIDS and are given the counseling and treatment they need.

Mrs. Collins also asked, what policies has the National Drug Policy Board adopted to curtail corruption in drug-producing nations? Mr. Keating responded that it is a regrettable fact of life that drug lords bribe judges and government officials. He indicated that on his trip to South America with Attorney General Meese, leaders had expressed their commitment to anti-narcotics efforts. President Barco of Colombia was committed to cooperating with the United States in curtailing drug production to the extent that he can. President Garcia of Peru, which produces 80 to 85 percent of the coca in the world, told Mr. Meese that he was going to be the President in the Western Hemisphere to help the United States on drugs. Mr. Keating suggested that President Garcia is beginning to

see that drugs are going to pollute his country. Keating said Attorney General Meese received similar commitments from the leaders of all five nations he visited.

Mr. Keating indicated, however, that the only way you are going to solve the problem is to stop the demand for drugs in the United States. Bolivia and Colombia are incapable of doing the job themselves. The ultimate solution is demand reduction.

Congressman Oxley, commenting on requests for State and local enforcement funds, suggested that there was a great deal of waste in the former Law Enforcement Assistance Administration Program which may explain why the Administration is reluctant to provide money for State and local police forces. Congressman Oxley said he had just returned from visiting the South Florida Task Force and that while he was there three vessels were inspected by the Coast Guard. All three vessels were armed legally, but Congressman Oxley said this shows how dangerous the situation is.

Congressman Oxley said he had watched a recent ABC Television Special about drugs in which Peter Jennings said that 63 percent of Americans responded that drugs were the number one foreign policy issue facing America. Congressman Oxley mentioned that employees of the Whirlpool Corporation in Marion and Findley, Ohio, had been arrested for possessing and selling cocaine. He said there is a great deal of frustration about where we go from here on drugs.

Mr. Dick Hays of the Department of Education told Congressman Oxley that DOE contributed to the war against drugs by distributing, to date, 1.8 million copies of its handbook *Schools Without Drugs*. DOE had also entered into cooperative agreements on drugs with 18 other Federal agencies. Mr. Hays reported that 80 percent of the money authorized under the Drug Free Schools Act for education agencies had been granted to the local education level and 70 percent of the Government's money had been distributed to local community groups emphasizing high risk youth.

Chairman Rangel said he wanted to make it abundantly clear that he supported enforcement of the law, especially as it related to professional people who somehow appear above the law because of the selective prosecution of existing law. He indicated that because of limited resources, it hurts him politically to hear people suggest if you want to deter, arrest the user. He asserted that the drug abuser is also a criminal but that people are being arrested for narcotics offenses seven and eight times and there is no place to put them. "We don't have the time or space to prosecute them" he said.

Mr. Rangel indicated that the strategy document calls for the development of a better strategy in South America. He said we must develop a better strategy for Latin America, but I see no money is requested for Latin America.

Mr. Keating responded that the strategy is fully funded for fiscal years 1988 and 1989. He indicated he had requested hard budget numbers from the agency to fully implement the five enforcement strategies.

Chairman Rangel said last year Latin American leaders requested that President Reagan convene a meeting of the leaders of the Western Hemisphere to discuss drugs. He indicated to Mr. Keating

that he hoped he would encourage the President to do this, and to have Secretary of State Shultz make a public statement about narcotics. He suggested this would be the most concrete strategy that the Reagan Administration could leave as its legacy.

Congressman Gilman concluded the hearing by asking Mr. Keating whether there were any policy changes he would be recommending as a result of the trip to South America. Mr. Keating answered affirmatively and indicated that formal recommendations would be shared with the Committee when Attorney General Meese returned from the PRIDE conference in Atlanta.

DRUGS AND VIOLENCE IN THE WASHINGTON METROPOLITAN AREA

(APRIL 20, 1988)

Witnesses:

The Honorable Marion S. Barry, Jr., Mayor of the District of Columbia, accompanied by the Honorable Maurice T. Turner, Jr., Chief, Metropolitan Police Department, District of Columbia.

Mr. Edward F. Mitchell, President, Potomac Electric Power Company, and Chairman, Advisory Task Force to the Washington Fund for the Prevention of Substance Abuse, accompanied by Dr. Peter Reuter, Senior Economist, The RAND Corporation.

The Honorable Parris N. Glendening, County Executive, Prince George's County, Maryland.

The Honorable Gerry Hyland, Supervisor, Mount Vernon District, Fairfax County Board of Supervisors, Fairfax County, Virginia.

The Honorable Albert C. Eisenberg, Member, Arlington County Board, Arlington County, Virginia.

The Honorable William T. Newman, Jr., Member, Arlington County Board, Arlington County, Virginia.

Mr. Russell E. Hamill, Assistant Chief/Administrative Officer, Montgomery County, Maryland.

Brother X, a currently imprisoned drug dealer.

Mr. Joe D. Whitley, Deputy Assistant Attorney General, Criminal Division, United States Department of Justice, accompanied by Mr. Harvey Ellis Eisenberg, Organized Crime Drug Enforcement Coordinator for the Mid-Atlantic Task Force;

Mr. David S. Cayer, Assistant United States Attorney for the Drug Task Force, Eastern District of Virginia; and

Mr. Daryl Jackson, Lead Attorney for the Organized Crime Drug Enforcement, Task Force for the District of Columbia.

Mr. Norton J. Wilder, Special Agent in Charge, Washington Field Division, United States Drug Enforcement Administration.

Mr. Phillip C. McGuire, Associate Director for Enforcement, Bureau of Alcohol, Tobacco, and Firearms, United States Department of the Treasury.

Deputy Chief Robert E. Langston, Commander, Operations Division, United States Park Police.

This joint hearing of the House Select Committee on Narcotics Abuse and Control and the House Committee on the District of Columbia, Subcommittee on Fiscal Affairs and Health, was chaired jointly by Congressman Charles B. Rangel of the Select Committee

and Congressman Walter E. Fauntroy of the Subcommittee on Fiscal Affairs and Health.

Congressman Fauntroy opened the hearing by saying the drug problem is severe and getting worse. The District of Columbia had the highest death rate from PCP in 1986. Interestingly, emergency room cocaine admissions are 50% higher in the suburbs surrounding D.C. than in the District itself. Drug arrests in the District increased 70% between 1981 and 1986.

Chairman Rangel called these hearings historic. He asked ironically how can our government fight Communism when our children cannot even leave home without fear. Congressman Parris said that there is a thriving market for drugs in the District of Columbia, and something must be done about the demand for drugs in the District. Under H. Con. Res. 285 introduced by Congressman Parris on April 21, 1988, relating to drug trafficking in the Washington Metropolitan Area, the police would have the authority to restrict the movement of people in areas which have recently experienced drug trafficking. Congressman Parris said that 85% of inmates in Lorton are on drugs.

Congresswoman Morella joined Members of the Narcotics and D.C. panels for this hearing as a representative from suburban Maryland areas bordering the District of Columbia. She said that drugs and drug violence are a growing cancer in the District of Columbia. No longer can residents of Montgomery County say that drugs are not their problem. Crack has taken over huge areas of Montgomery County within the last nine months. She urged that the Federal Government use the full array of its resources against drug trafficking.

Congressman Hughes said many of America's neighborhoods had been lost to drug traffickers. Congressman Guarini made the point that the situation in the District of Columbia is just part of a national problem. Congressman Hoyer, who also represents a district bordering D.C., supported creation of a Metropolitan Area Drug Authority. He said that there are only 23 prosecutors in Maryland, Washington, and Northern Virginia. He urged that more prosecutors be hired to handle drug prosecutions. He supported cross-designation of local police officials as Federal agents to facilitate drug prosecutions. He urged that more agents be hired for the Bureau of Alcohol, Tobacco, and Firearms, and the Internal Revenue Service. He said the drug war is being lost right here in the District of Columbia. He said that because of prison overcrowding, there is no pretrial detention in the District of Columbia. Congressman Hoyer said he did not have to go five blocks from his office in District Heights, Maryland, to confront the problems of drugs.

District of Columbia Mayor Marion Barry said drug abuse is clearly the most pressing domestic problem facing the nation today. He testified that 75% of all adults arrested in the District of Columbia tested positive for illegal drugs. Sixty-five percent tested positive for cocaine, 36% tested positive for PCP, and 44% arrestees tested positive for multiple drugs. The Mayor said that in 1983, 7,622 adults were arrested for sale or possession of drugs compared with 11,066 in 1987. The most frightening statistics involve juveniles, Mayor Barry said. In 1983, 439 juveniles were arrested

for the sale or possession of drugs, but in 1987, the number was 1,894.

Mayor Barry said, our Department of Corrections is bulging at the seams with inmates. The number of inmates increased from 1,300 in 1981 to 8,400 today. He said the District will soon be constructing an 800-bed correctional treatment facility in the District.

Mayor Barry also said since "Operation Clean Sweep" was instituted in August 1986, 33,000 arrests have been made. The total street value of drugs confiscated in "Operation Clean Sweep" to date is \$13,637,594. The Mayor said, in addition to "Operation Clean Sweep" the Metropolitan Police Department is reassigning officers from support functions to establish a new street-level drug enforcement unit.

Mayor Barry said gangland style executions on American streets are becoming commonplace. The Mayor said that the police will continue to concentrate on apprehending middle level drug sellers. Cocaine, heroin, and PCP are readily available in the District of Columbia. Since January 1, 1988, there have been almost 100 homicides in D.C., most of them drug-related. Mayor Barry said the U.S. Government has to find a way to stop foreign production of coca leaf and failing this, to interdict the drugs.

Mayor Barry said legitimate businesses contribute to the problem by allowing adolescents and young adults to purchase expensive items, such as jewelry and cars, for cash. He gave the example of a department store clerk who refused to sell merchandise to a 16-year-old boy who pulled out \$3,000 in hundred-dollar bills. The boy was able to purchase the merchandise from another store clerk. Barry declared that until every aspect of our community gets involved in the war against drugs, we will not prevail in the drug war. He stressed his work with the Conference of Mayors and League of Cities to mobilize other city leaders against drugs.

Chairman Fauntroy lauded Mayor Barry for his statement that every element of the community must be committed to the war against drugs, and the role that legitimate businesses play in supporting drug traffickers. Chairman Rangel asked Mayor Barry if he met with Attorney General Meese. Mayor Barry replied that he met with him four or five times a year. The D.C. police participated with Federal agents in investigating the Asian heroin connection in which 135 pounds of heroin were seized.

Police Chief Turner told Mr. Rangel that there are 3,880 police officers on the D.C. police force. Turner told Rangel that when he met with Mr. Meese the subject of the Administration's opposition to funds for State and local governments did not come up. Mayor Barry told Chairman Rangel that he had held no meetings with President Reagan to discuss providing security for foreign leaders from drug trafficking. He told Chairman Rangel that he had never met with Dr. Donald Macdonald, President Reagan's drug abuse advisor. Mayor Barry questioned the commitment of the Reagan Administration to the drug war, saying the Reagan Administration should receive an F- for their efforts.

One of the main issues raised repeatedly by Chairman Fauntroy was the issue of cross-designation of local police officials as Federal agents so they could function more effectively in the war against drugs. Police Chief Turner said 25 members of the D.C. Police De-

partment have been deputized as U.S. Marshals, and have full arrest powers, but this is not nearly enough. Turner told Congressman Fauntroy that he would support cross-designation of local police officers by the Federal Government. Mayor Barry said that the District Government needs better coordination with State of Maryland authorities to arrest drug sellers who disembark on Metrorail in New Carrollton, Maryland, and now travel by car into the District of Columbia.

Congressman Parris said that despite the 33,000 arrests in Operation Clean Sweep, which equates to one out of every twenty residents of the District of Columbia, it has not solved the drug problem in the District. Parris said that DEA Administrator John Lawn said upon his return from Bolivia, on the trip with Attorney General Meese, that in one valley, which is 75 miles wide and 200 miles long, 500,000 acres of coca are under cultivation.

Congressman Parris asked Mayor Barry if he supported mandatory sentences and the death penalty for drug traffickers? Mayor Barry responded that there is no evidence that the death penalty acts as a deterrent to crime. Barry said that he was opposed to capital punishment, and that people dealing in drugs do not believe they will get caught.

Congressman Gilman said that the District of Columbia spends the most money per capita on drug enforcement of any jurisdiction in the country, yet the situation continues to get worse and the supply continues to expand. He asked Chief Turner, what was wrong? What else should be done that is not being done now? Chief Turner responded that the DCPD is concerned about the drug problem in D.C. and that there are 71 open air drug markets in the city. There are a lot of people in D.C. who love to use drugs, Turner said.

Mayor Barry told Congressman Gilman that although the District of Columbia had received \$1.4 million from the Federal Government to fight drugs, until the supply side is dealt with more vigorously, the City is just fighting a losing battle. Barry said the District has been targeted as a lucrative market by drug traffickers. Mayor Barry said that the one missing element in the war against drugs is community involvement. Barry said that without citizen involvement it is questionable what drug education will achieve.

Mayor Barry said the District will continue to treat people who need treatment. Congressman Gilman said that the Members of Congress are highly supportive of getting resources out to the communities. Barry said that the Congress must find a way to cut off drugs at the source. In the last year the supply of heroin in D.C. is up 22% and the supply of cocaine is up 10%. The District of Columbia spends \$14 million on drug abuse treatment and \$3 million on drug abuse prevention activities. Operation Clean Sweep has not had the desired effect we are looking for.

Mayor Barry told Congressman Gilman that 54% of Superior Court indictments are for felonies. He said the District was in the process of establishing a unified criminal justice system in D.C. He criticized the U.S. Attorney's Office in D.C. for not telling him what they do with cases referred to them by the D.C. Police Department.

There were 219 drug overdose deaths in the District of Columbia in 1987, compared to slightly over 160 in 1986, Police Chief Turner said.

The Committees then heard from a panel of local government officials. Mr. Russell Hamill, representing Montgomery County Executive Sidney Kramer, said America is under siege from drugs. The nation needs national leadership to seal our borders from drugs. Mr. Hamill said the county is doing all it can with local resources, but more money is needed for drug abuse prevention and treatment. Mr. Hamill told Chairman Fauntroy that deputizing local police officials as Federal officials is an idea with considerable merit. Four Montgomery County police officers have been cross-designated as Federal agents. Montgomery County has recently instituted two programs to combat increased drug trafficking, the Drug Conspiracy Strike Program, and the Jump Out Squad. The Drug Conspiracy Strike Force goes after major drug dealers. It has been in operation for about 3 months. The Jump Out Squad has been in existence for 18 months and had made 700 arrests, with a conviction rate of 86%. Mr. Hamill said that crack is now the most prevalent drug in Montgomery County.

Mr. Hamill told Congressman Gilman that on April 27 the Council of Governments of the Washington, D.C., area would hold a special meeting to discuss the drug issue. Mr. Hamill admitted to Congressman Gilman that there was no area-wide drug strategy in place. Mr. Hamill said that the Council of Governments meeting would bring the best minds in the local area together to discuss how to bring the drug problem under control. He admitted that drug trafficking and abuse is both a local and national problem.

Mr. Hamill told Congressman Gilman that he was satisfied that Montgomery County's strategy to combat drug trafficking and abuse was as effective as it could be. He said that like every other county in America, drug trafficking has increased in Montgomery County in recent years.

Congressman Frank Wolf, who joined the panels as a representative of Suburban Virginia, made several suggestions for alleviating the backlog of drug cases in local courts. He said certain judges should be designated to hear only drug cases, and that certain prosecutors should try only drug cases. Specific days of the week should be reserved for hearing only drug cases. He advocated that guilty defendants receive sure punishment for their offenses. He advocated creation of a special drug court in the District of Columbia to hear drug cases. He suggested that the Drug Enforcement Agency be specifically designated as the lead local agency on drug enforcement because drugs are an area-wide problem. He stated that more money should be provided for drug enforcement, including more money to purchase drugs. Other police departments should also be brought into the war on drugs, he said. Congressman Wolf suggested that area law enforcement personnel be provided with 9 millimeter weapons to counter the increased firepower now routinely employed by drug traffickers. He said that an area-wide drug hotline should be established where the police could receive tips from citizens on drug dealing. He suggested that the hotline be publicized on the Washington Metrorail system. He told Members that wide publicity should be given to efforts to enforce the drug laws.

He urged that the drivers licenses of convicted drug traffickers be suspended. He advocated that drug education programs starting in kindergarten be started in the schools. He said that police officials needed area-wide jurisdiction, because there are so many different political jurisdictions in the Washington area. Congressman Wolf said that he had gotten from Mr. Sterling Johnson, the Special Narcotics Prosecutor for New York City, the idea to seize the cars of people who purchase drugs.

Congressman Parris commented that his bill had forfeiture provisions in it. He said that because of inadequate penal facilities in the District, drug traffickers know there is little chance they will go to jail, so there is no incentive not to engage in drug trafficking. Congressman Wolf suggested that a meeting of senior judges, prosecutors, and probation officers be held to clear the overburdened court and judicial system.

Testifying next was Mr. Edward F. Mitchell, President of the Potomac Electric Power Company, and Chairman of the Advisory Task Force to the Washington Fund for the Prevention of Substance Abuse. Mr. Mitchell testified that roughly eighteen months ago, the Community Foundation of Greater Washington, the Greater Washington Board of Trade, the Federal City Council, and the Greater Washington Research Center jointly sponsored the establishment of the Washington Fund for the Prevention of Substance Abuse. The central finding of the study conducted by the RAND corporation for the sponsoring organizations is that the Washington area is experiencing a frightening epidemic of drug use. The problem is not confined to the center city. It exists throughout the entire region and it cuts across race and class lines.

Mr. Mitchell testified that by any measure, the drug problem in the Washington area is severe and getting worse. Among 26 of the nation's largest metropolitan areas, the Washington area was highest in PCP-related deaths in 1986 and ranked among the top five in cocaine and heroin-related deaths. He said that we are in danger of losing a whole generation of children because of drug use and that there was a need to expand drug abuse treatment services. He said the drug treatment system is seriously underfunded and is being overwhelmed by referrals from the criminal justice system. He supported the Council of Governments' decision to convene a regional drug summit on April 27.

Intensive enforcement efforts such as the District's Operation Clean Sweep can disrupt street sales of narcotics and restore a sense of order to neighborhoods, he said but strict enforcement by itself is not a solution to the drug problem. He said it is important to underscore this point because in the Washington area, as in the rest of the country, enforcement efforts consume at least 75% of anti-drug expenditures.

Dr. Peter Reuter was the principal investigator for the RAND study of drug use and drug programs in the Washington metropolitan area. He said that he was testifying for himself and not for the RAND Corporation. Dr. Reuter said that comparing the third quarter of 1987 with the same quarter of 1986, one finds that the number of DAWN emergency room admissions involving cocaine rose from 482 to 948 an increase of 97 percent. The increase for PCP was even larger; PCP admissions rose from 498 to 1063, an in-

crease of 113 percent. Even for heroin there was a significant increase of 36 percent.

Dr. Reuter said that the percentage of persons arrested in the District of Columbia testing positive by urinalysis for cocaine rose from 43 percent in January 1987 to 60 percent in December of that year. But the percentage testing positive for PCP rose from 42 percent in January 1987 to 49 percent in June before dropping to 40 percent in December. Heroin prevalence also rose through the first half of 1987 from 17 percent to a peak of 20 percent in July 1987, before dropping at the end of the year to 13 percent.

Dr. Reuter said that in 1986 according to the District of Columbia Medical Examiner's Office there were 144 overdose deaths of which 136 were attributed to narcotics. In 1987 the number of drug overdoses increased 50 percent to 219. The number which were narcotic overdoses increased to 171. Thus heroin continues to dominate, but 1987 was the first year in which a significant number of deaths involved cocaine—either on its own or in combination with a narcotic. The number of overdose deaths with a toxic level of cocaine present rose from 8 in 1986 to 48 in 1987.

Congressman Gilman said that there had been too little attention given to developing and implementing an overall strategic plan to combat drugs in the region. Mr. Mitchell said he was optimistic that local governments will move forward on drugs on a regional basis. Chairman Fauntroy thanked Mr. Mitchell for the better understanding of the drug problem in the District of Columbia area gained by the RAND Corporation report.

Appearing next before the joint committee hearing was a panel of local elected officials. Parris Glendening said cocaine, PCP, and marijuana are all being used in Prince George's County, Maryland. He emphasized that while local communities in the Washington area have cooperated with one another on drugs, they simply lack the resources to stop the flow of drugs into their communities. He supported deputizing local officials as Federal agents to facilitate prosecution of drug traffickers.

Mr. Gerry Hyland, Fairfax County Supervisor for the Mount Vernon District, said that there is an open area of drug dealing along Route 1 in Alexandria, VA. He said that one-half of the serious crime in Fairfax County occurs along the Route 1 corridor. He said people rent hotel rooms and sell drugs from there night after night. He said that he did not see the Federal commitment to the drug war in his local community. Mr. Hyland said that until such time as every element at the local level locks arm-in-arm to attack drugs, communities are not going to solve the problem. Mr. Hyland said that one Fairfax County Police Officer has been designated to work with the Drug Enforcement Administration and another one with the Virginia State Police.

On February 12, 1988, Albert Eisenberg and William Newman, two Arlington County Supervisors, called for the convening of a Washington-area summit on drugs. Drug dealers know no boundaries, Mr. Eisenberg said. If one area is shut down by police, they just move into another area. Eisenberg said that drug dealers use the area's transportation system to facilitate their drug dealing. While there was only one drug-related homicide in Arlington County in the last year, Eisenberg said drugs and violence go hand-

in-hand. In 1987, 23 automatic weapons were seized in Arlington County. He admitted that occasionally corruption by police officers is a problem in combatting the drug trade. In order of preference, he said that the drugs of choice in Arlington County were cocaine, PCP, marijuana, and heroin. While treatment programs in Arlington County are operating at full capacity, only 10 percent of people are there voluntarily for treatment. An AIDS bureau and a residential treatment center for drug addicts has also been established in Arlington County. Mr. Eisenberg and Mr. Newman supported the concept of designating local police officers as Federal agents to facilitate drug prosecutions. Chairman Fauntroy urged the local officials not to summarily dismiss an idea he supports to create a Washington Metropolitan Area Drug Authority to coordinate resources in the drug war. Mr. Hyland told Chairman Fauntroy that he did not expect that the Virginia Legislature would enact tough gun control laws.

Congressman DioGuardi asked Mr. Hyland what would be the one thing he would suggest the Federal Government do to combat drugs? Mr. Hyland answered to commit sufficient personnel to supplement what local jurisdictions are doing to solve a regional problem. He also said, there was not sufficient knowledge by all our citizens about drugs, but this is starting to change. There is a long way to go on drug abuse education programs. Mr. Hyland told Congressman DioGuardi that the State Department was not doing enough to control drugs. He said the supply was ample for everyone.

Mr. Newman told Congressman DioGuardi he would suggest doing what could be done to cut off the supply of drugs and put as much money as possible into drug education. Newman said he would also propose spending more money for drug abuse treatment and rehabilitation and on improving the criminal justice system. Mr. Eisenberg said there was no one simple answer to the problem of drug abuse and that he saw the effects at the local level of seven years of budget cuts in the form of increased costs in Arlington County's local budget. Mr. Eisenberg remarked on the absence of any State officials at the hearing to discuss drug trafficking in the Washington Metropolitan area.

Testifying next, was an imprisoned drug dealer, Brother X. Chairman Rangel told him that while the members do not condone your criminal activities, they lauded him for his courage in testifying before the Committees. Brother X was incarcerated for possession and sale of cocaine. He began his drug use with marijuana, and then later on used PCP, and cocaine.

Brother X's testimony was primarily concerned with the operation of crack houses in Washington, D.C., which were often the homes of women who were on welfare, in public housing projects. There is usually no security protection in these public housing projects.

Drug traffickers, many of whom are Jamaicans, often employ lookouts, runners, and pistol men (enforcers) to protect their operations from base houses. Pistol men, who are usually teenage boys, are paid \$300-\$500 a night to make sure that people pay for the drugs they purchase. Brother X told Chairman Fauntroy that pistol men will have to use their weapons eventually. Brother X

told the Congressmen that he averaged \$1,000 a day in earnings from cocaine sales. He said that drug dealers operating from a crack house could gross \$15,000 in sales in one night. Of course, he said they have certain expenses to pay, so it is not all profit.

He said that drug dealing was a means for people with no job skills and no education to obtain money. He said that the risk of getting caught from drug dealing was minimal and that he used scanners to monitor police activity. He said that because of plea bargaining a person apprehended for cocaine distribution would be offered a plea bargain of possession with intent to distribute, and serve actual jail time of only 10 months. Brother X also said that some police officers were corrupted by drug payments.

Brother X recommended that juveniles apprehended for drug trafficking be given stiffer penalties. He said that juveniles should be housed with other juveniles, but placed there for a longer period of time.

Brother X said some drug dealers are addicts who need money to buy drugs, but others just like the life style. He said he did not like drug dealing, but only did it because he wanted money. He told Chairman Rangel that he never had to solicit customers, that business was never bad, he just had to let people know he had drugs. He said that drug dealers often used beepers to facilitate their operations, and that a person could buy five or six of them and as long as he kept the payments up there was no problem.

Brother X said that the parents of drug dealers are often working people 35-years-old to 45-years-old, and that their attitude toward their teenagers' drug dealing was that as long as their teenager helped them keep up the house and car payments, there was no problem. Brother X told Chairman Rangel that he considered staying in school rather than dealing drugs, but that he did not have a role model to follow regarding staying in school. He said that most young Blacks sell drugs to be able to buy things to "stay up with the Joneses."

Brother X said that Jamaicans from California distribute PCP and cocaine which is sold in the District of Columbia. He said the quality of cocaine sold by the Jamaicans is very good. Brother X said his clientele varied by the time of day—in the afternoon, working class people; in the evening, professional people; and at 3 am-4 am, prostitutes. Brother X concluded his testimony by saying he was an assistant to a job counselor in prison and that he had the self-esteem necessary to be successful upon his release from prison.

The first witness on the Federal Panel was Joe Whitley of the Department of Justice. He said trafficking in illegal drugs is widespread throughout the metropolitan area and continues to grow. Mr. Whitley said there were 219 drug-related overdose deaths in 1987, compared to 144 in 1986, in the District of Columbia and that 75 percent of all adult arrestees test positive for drugs. He said that about 60 percent of all arrestees test positive for cocaine. Most importantly, he said, that the number of drug cases referred to the United States Attorney's Office for the District of Columbia by the Metropolitan Police Department, DEA, FBI, Bureau of Alcohol, Tobacco, and Firearms, and other law enforcement agencies continues to rise dramatically.

Mr. Whitley testified that in 1979, the Metropolitan Police Department referred 19,339 arrest cases to the United States Attorney's Office for processing. Of those arrests, 8,230 were for felonies, but only 310 or 3 percent of those felonies were drug arrests. In 1987, the Police Department referred 30,423 arrest cases to the United States Attorney's Office. Felony arrests jumped to 16,431, and felony drug arrests had sky-rocketed to 7,362 cases, or 44.8 percent of all felonies. In 1979, drug arrests for both felony and misdemeanor offenses comprised 20 percent of all arrest referrals. In 1987, that percentage had risen to 45 percent (13,785 cases). In 1979, the United States Attorney's Office returned 216 indictments in Superior Court. Those 216 indictments constituted 7 percent of all indictments returned. In 1987, Superior Court grand juries returned 6,506 drug indictments. These drug felony indictments accounted for 71 percent of all felony indictments returned in the Superior Court.

Mr. Whitley said that forfeiture of the assets of drug traffickers and the enhanced criminal penalties provided in the Anti-Drug Abuse Act of 1986 helped combat drug-related violence. He urged that Congress enact a law providing for the death penalty in narcotics homicide cases. He supported legislative abolition of the exclusionary rule in those situations where the police, acting in "good faith" conduct a search for evidence with or without a warrant that for reasons of a technical nature is later held to be invalid by a court, thus prohibiting the use of the evidence at trial. Finally he asked for passage of the (H.R. 2585) Precursor and Essential Chemical Bill.

Mr. Harvey Eisenberg said the Mid-Atlantic Drug Task Force is headquartered in Baltimore, Maryland, and consists of the seven judicial districts within the States of Maryland, Virginia, Pennsylvania, Delaware and the District of Columbia. Since its formation prosecutors have convicted 1,098 defendants for various drug offenses while seizing drug-related property and currency in excess of \$65 million.

Mr. Eisenberg said that ethnic criminal groups who traffic in large quantities of drugs and who engage in wholesale violence are becoming increasingly important to Federal law enforcement officials.

Mr. Cayer said after a two-year OCDETF investigation, sixteen (16) members and associates of an outlaw motorcycle gang, known as the Renegades Motorcycle Club, were indicted on August 1, 1987, in the Norfolk Division of the Eastern District of Virginia. The indictment charged the defendants with one hundred fifty-three (153) counts which included conducting a continuing criminal enterprise, racketeering, conspiracy to distribute narcotics, arson, firearm violations, and other offenses.

Mr. Cayer said another OCDETF investigation targeted a cocaine distribution network responsible for financing, transporting, and distributing multi-kilogram quantities of cocaine throughout Northern Virginia. Nine individuals were convicted in this case.

Mr. Jackson discussed the prosecution of Mr. Eddie Adair in which six defendants were tried for narcotics conspiracy, interstate travel in aid of racketeering enterprises, unlawful use of a communication facility, distribution of heroin, and other related offenses.

Adair distributed heroin himself and through street-level dealers. He was convicted and sentenced to 12 to 38 years and fined \$50,000.

Testifying next was Norton J. Wilder, Special-Agent-in-Charge, Washington Field Division, Drug Enforcement Administration. The Washington Field Division of the Drug Enforcement Administration encompasses the District of Columbia, as well as the States of Maryland, Virginia and West Virginia.

Mr. Wilder said cocaine availability continues to increase in the Washington Metropolitan Area, accompanied by a significant decline in the price of cocaine. The per-ounce price, ranging from \$1,500 to \$2,200 during the last quarter of fiscal year 1987, has dropped to a range of \$1,200 to \$1,600 per ounce during the first quarter of fiscal year 1988. Cocaine prices in kilogram quantities have dropped as much as 62 percent from the last quarter of fiscal year 1987 to the first quarter of fiscal year 1988.

In recent years Jamaican nationals have become involved in the distribution of cocaine, and particularly crack. Reportedly they operate the majority of crack houses in the D.C. area.

The availability of PCP in the Washington Metropolitan Area continues to be plentiful. Drug-related emergency room reports, urinalysis results of persons arrested for major crimes and arrests of drug traffickers brings DEA to the conclusion that PCP remains the major drug of abuse in the District of Columbia.

Mr. Wilder said almost a third of the weapons seized by DEA during 1987 were semi-automatic or fully automatic. DEA agents are therefore currently issued 9-millimeter semi-automatic weapons.

In fiscal year 1985, the DEA Washington Field Division recorded 308 division seizures, netting over \$7.7 million. In fiscal year 1986, there were 401 division seizures, netting over \$4.6 million. In fiscal year 1987, there were 433 division seizures, netting over \$10.2 million. And in fiscal year 1988 to date, there have been 273 division seizures, netting almost \$5.7 million.

Mr. Phillip McGuire, Associate Director, Office of Law Enforcement, Bureau of Alcohol, Tobacco, and Firearms, testified regarding the operation of Jamaican posses in the Washington Metropolitan Area. Mr. McGuire said the slaying of five persons on January 22, 1988, in Landover, Maryland, was but one in a series of violent murders connected with a new group on the Washington drug scene—Jamaican drug dealers or Jamaican posses. The Landover execution style killings stemmed from the illegal drug trade in the Washington area and the growing market in crack.

Mr. McGuire said on October 19 and 20, 1987, ATF coordinated a national roundup of Jamaican posse members in 15 States and the District of Columbia, which resulted in the arrest of 155 posse members on a variety of Federal, State, and local criminal charges. Mr. McGuire said drugs and firearms go hand in hand. During the 6 months from July to December 1987, ATF traced 120 handguns and determined that 35 percent came from Virginia and 15 percent from Maryland.

The final witness of the day was Deputy Chief Robert Langston, Commander, Operations Division, United States Park Police. Mr. Langston said the drug enforcement unit, consisting of only 8 offi-

cers, of the U.S. Park Police was created in May 1983 with the assistance of Congressmen Stan Parris (R-VA) and Manuel Lujan (R-NM). This unit is charged with the responsibility of investigating drug offenses within primary jurisdictions of the United States Park Police which includes national parks and other Federal areas in Maryland, Virginia, and Washington, D.C.

Mr. Langston said since the drug enforcement's unit inception in 1983, undercover officers have made 4,154 arrests; 1,086 of these arrestees were identified as dealers. Over \$463,906 in money and other valued assets and over \$1 million (street value) in illegal drugs have been confiscated. In addition, 124 search warrants were executed, 97 firearms confiscated, 86 vehicles seized, and 233 individuals were charged as fugitives from justice.

Mr. Langston advocated that U.S. Park Police be allowed, once again, to obtain D.C. Superior Court search warrants so they can take up to 10 days to execute a search warrant. Under U.S. District Court search warrants they only have 5 days to execute a search warrant. He said a system for asset forfeiture should include, but not be limited to, any seizable amount of money and any seizable item used in connection with drug trafficking. He recommended that the Department of Interior be included within the definition of a "seizing agency" so that when the Park Police make a seizure they will not have to turn the item over to the Department of Justice or the Department of the Treasury.

Mr. Langston said the Washington, D.C., area has a number of jurisdictional borders that can be crossed in a relatively short period of time. Because of this, coordinated, cooperative efforts between individual law enforcement agencies are imperative and must be encouraged. He recommended that each drug enforcement agency should have at least two radio frequencies that are secure and do not have to be disclosed under the Freedom of Information Act guidelines or through the Federal Communications Commission.

This concluded the hearing.

IMPLEMENTATION OF STATE AND LOCAL GRANTS PROGRAM UNDER THE ANTI-DRUG ABUSE ACT OF 1986

(MAY 26, 1988)

Witnesses:

Honorable Richard L. Berkley, President, The United States Conference of Mayors, Mayor of Kansas City, Missouri.

Richard Abell, Assistant Attorney General, Office of Justice Programs, Department of Justice.

Joe D. Whitley, Deputy Associate Attorney General, Department of Justice.

David G. Schroot, Director, Governor's Office of Criminal Justice Services, State of Ohio.

Joseph Autry, M.D., Associate Administrator for Policy Coordination, Alcohol, Drug Abuse and Mental Health Administration, Department of Health and Human Services.

John S. Gustafson, Deputy Director for Government and Community Relations, Division of Substance Abuse Services, State of New York.

Linda Lewis, Administrator, Alcohol and Drug Abuse Program, Florida Department of Health and Rehabilitative Services, Representing the National Association of State Alcohol and Drug Abuse Directors (NASADAD).

Dick Hays, Director, Drug Abuse Prevention Oversight Staff, Department of Education.

Steven Hicks, Division Director, Alcohol and Drug Defense Program, Department of Public Instruction, State of North Carolina.

On May 26, 1988, the Select Committee on Narcotics held a hearing on the implementation of State and local grant programs under the Anti-Drug Abuse Act of 1986. In Chairman Rangel's absence, the hearing was chaired by Congressman Frank J. Guarini (D-NJ). He stated that the purpose of the hearing was to examine the progress that has been made in carrying out the drug law enforcement, drug abuse treatment, and drug abuse education grants to States and localities authorized in the Anti-Drug Abuse Act of 1986.

Mayor Berkley testified that drug abuse is a critical issue for United States mayors. Data firmly establish the link between drug use and crime. The cost of drug abuse to our cities is staggering and local resources cannot solve the problem.

Mayor Berkley said that mayors are frustrated by the bureaucracy and disheartened by lack of support from the Federal Government. He advocated that a large portion of the funds under the Anti-Drug Abuse Act of 1986 should go directly to the cities without requiring matching funds. He said that The United States Conference of Mayors recently passed a resolution urging that drugs be the number one foreign policy priority of the United States. Finally, he advocated establishing a national narcotics director within the White House, of cabinet rank, who would be charged with the duty of formulating and directing the Nation's war on drugs.

Mr. Richard Abell said that \$178 million in formula grants and \$44.5 million in discretionary grants for fiscal year 1987 were distributed to the States. He said requiring States to formulate a Statewide strategy to combat drug abuse was a new concept under the 1986 Act. Mr. Abell told Congressman Gilman that all of these funds had been distributed to the States and 75 percent of these funds had been received by local governments. Mr. Abell said that once the Department of Justice receives an application for a grant from a State, on average, it takes 37 days for a State to receive its check. Mr. Abell said that the Federal Government could not distribute the money to the States until it received an application from a State.

Mr. Abell told Congressman Gilman that he had yet to receive a complaint from a local government that it was not involved in the decision regarding distribution of Federal law enforcement money given to the States. He said that if the Federal Government gave funds directly to the States it would bypass the State distribution system which the Department of Justice had established.

Mr. Schroot testified that the impact of Federal assistance on drug law enforcement cannot be determined at this time. Most of

the programs did not begin actual operations until late 1987 or early 1988, because of the time needed to organize grant activities, make needed purchases, and train personnel.

Preliminary findings are that Ohio's Task Forces have seized significant quantities of cocaine and large amounts of marijuana. Ohio is one of 15 States selected by the Bureau of Justice Assistance to assess the impact of the Anti-Drug Abuse Act by monitoring all of Ohio's Narcotics Drug Task Forces and Crime Laboratory programs.

Mr. Schroot testified that inconsistent funding from year to year makes administration of the Anti-Drug Grant program difficult. An ongoing commitment to funding for this program is needed. He urged that fixed dollar amounts not be allocated directly to local jurisdictions. Instead, a method such as the Ohio Plan which designates a centralized State planning function, considers population and crime in distributing funds, and permits larger urban areas to make their own funding decisions is preferable, he said.

Joe D. Whitley discussed the equitable sharing program of the Department of Justice with the Members of the Select Committee. Mr. Whitley said, "The Comprehensive Crime Control Act of 1984 authorized the Federal Government, for the first time, to share federally forfeited property with State and local law enforcement authorities. The Department of Justice has administered the equitable sharing program to enhance cooperation among the Federal, State, and local law enforcement agencies. In FY 1987, the Department forfeited over \$167.2 million, a 50% increase over the previous year. During the first and second quarters of FY 1988, alone, more than \$108 million was forfeited and over \$42 million shared."

Congressman Gilman said he was distressed that only 30% of assets go back to the localities. Mr. Abell said much of what is seized is land with liens on it, which must be cleared. Congressman Gilman said he hoped Justice could accelerate the forfeiture process and improve the percentage shared with States and localities.

Congressman Guarini asked Mr. Abell if the Department of Justice had mechanisms to evaluate State strategies? Mr. Abell said yes, we have auditors and evaluators on staff to evaluate this information. Mr. Abell said that this was the first time that many States had to collect data, which delayed the granting of awards.

Congressman Guarini asked if the United States has a national drug strategy? Mr. Abell answered, yes there is a strategy which was heavy on the supply side and now it is moving toward heavier emphasis on the demand side. He said that this was not just a war against drugs, but a war of values, too.

Mr. Abell said the Department of Justice plans to place more emphasis on zero tolerance. He said more needs to be done on the demand side and to put a risk on the user and hurt the finances of the seller. Mr. Berkley said more needs to be done on drug abuse education. A broad-based attack on drugs is needed, he said. Mr. Berkley told Congressman Guarini that the cities are not satisfied with the input they are having into the State strategies, and that only one-third of the cities are having input into the State plans. Mr. Berkley said a significant part of every local government budget goes for law enforcement, but local budgets are pressed se-

verely. Sixty percent to seventy percent of our crime is drug-related, Berkley said.

Congressman Guarini asked Mr. Abell if the Department was trying to mold fifty State strategies into one national strategy? Mr. Abell said Justice was working on multistate strategies. Referring to the Administration's proposal to eliminate funding for the state and local drug enforcement grant program, Congressman Guarini asked Mr. Abell, "How do you expect to assist State and local governments if you don't give them any money?" Mr. Abell said he understood and sympathized with Mr. Guarini's position. He said this issue would be discussed by the Executive-Legislative Drug Task Force in the coming months. He said there is not enough money to go around. Congressman Guarini responded that he was not just talking about drugs, but crimes and safe streets, what could be a higher priority than money for State and local governments, he asked. Mr. Abell said there was a responsibility to give assistance to State and local governments with existing resources. Abell said that because State strategies are in place now, there will not be a nine-month delay in getting second-year funding out to the States. He said Justice pays the bills of grantees within 24 hours of receiving them.

Dr. Autry said that the Office of Substance Abuse Prevention will create new literature on drug abuse for high risk youth and minorities. He said that five regional training sessions for ethnic minorities will commence in July 1988. He said most treatment responsibility falls on private providers and the Federal Government pays 16% of the national treatment bill. He said the Federal treatment strategy is to provide flexible support to the States.

Mr. Gustafson said that New York State will receive \$26.5 million in fiscal year 1988 for drug abuse treatment services. He said that New York State's budget for drug abuse service is \$218 million. He said that State funds comprise almost half of local governments drug abuse budgets, while Federal funds comprise only 11% of local drug treatment budgets. "We have not turned the tide in the war on drugs, the tide has turned on us, and we are being swamped." He said that New York State needs a stable, straightforward funding mechanism from the Federal Government. Mr. Gustafson advocated forty percent of drug treatment funding going for capital construction and improvements. He opposed enforcement-related demand reduction efforts supported by Mr. Abell.

Ms. Lewis praised the Members of the Select Committee on Narcotics for their efforts leading to passage of the Anti-Drug Abuse Act of 1986. She said our national treatment system reaches only about 10% of the 1.2 million to 1.3 million IV drug users. She said that the 1986 Act provided \$163 million for Emergency Substance Abuse Treatment and Prevention Rehabilitation Grants.

Ms. Lewis said there is a need for strong Federal leadership and an equal partnership with the States and local communities to develop and implement a long-term strategy for effectively addressing our nation's alarming alcohol and drug abuse problem. Ms. Lewis said the National Association of State Alcohol and Drug Abuse Directors believes that a coordinated, balanced approach must be adopted to combat the drug problem including equal attention and equal resources for supply reduction and demand reduction activi-

ties. Speaking on behalf of NASADAD, she said NASADAD supports the principle that "treatment on demand" must be available to serve all citizens who are dependent upon drugs as recommended recently by the Presidential Commission on the HIV virus. Finally, she said NASADAD also supports strong research programs by the National Institutes on Alcohol Abuse and Alcoholism (NIAAA) and the National Institute on Drug Abuse (NIDA).

Dr. Autry said, Emergency Substance Abuse Treatment and Prevention Rehabilitation Grants will increase treatment slots to 250,000 for IV drug users. A single treatment slot can handle four to six drug users annually, he said. Dr. Autry said HHS has reached out to other organizations, but we are very dependent on the States and private organizations to determine the existing number of treatment slots.

Congressman Gilman said he did not understand why the Federal Government does not have figures on the total number of treatment slots. Mr. Gustafson said there is an absence of data on a national treatment system since dismantling of the Client Oriented Data Acquisition Process (CODAP) with the shift to block grant funding in 1981. Both Mr. Gustafson and Ms. Lewis said there was a need for stable funding for drug abuse treatment programs. Ms. Lewis said a national data base system needs to be developed. Dr. Autry said we have had discussions with NASADAD on the need for a national data base for a number of years. We are keenly aware of the need.

Mr. Gustafson said the amount of funding provided in fiscal year 1987 for drug abuse treatment by the Federal Government was woefully inadequate. Ms. Lewis said that in Florida, 700 people were waiting to go into treatment, but there was no place for them. In Florida, 63% of treatment slots were for primary cocaine addiction. Mr. Gustafson said it cost about \$13,000 a year for a program of residential drug abuse treatment and less for outpatient care, compared to \$25,000-\$30,000 to house a convicted drug offender in prison. His point was that drug abuse treatment was cost effective. Dr. Autry said whatever can be done to increase drug abuse treatment should be undertaken.

Dr. Autry said a conference would be held in early June 1988 on AIDS and IV drug use. He said the NIDA's high school senior survey and their national household survey indicate that drug abuse was leveling off. Mr. Gustafson said there may be a leveling off of heroin addicts, but this is more than made up for by the increase in addiction to cocaine and crack. Dr. Pickens said that NIDA has been discussing the problem of AIDS and IV drug use for two years. While the household survey may be accurate that there has been a decrease in drug experimentation, there is much more hard core drug use, he said. Dr. Pickens said an expansion of drug abuse treatment slots, more training for treatment professionals and paraprofessionals was needed. Congressman Gilman told Dr. Pickens that the House of Representatives planned to introduce another omnibus drug bill in 1988, and he urged NIDA to submit any recommendations it has for inclusion in the bill by that time.

Dr. Autry said that Dr. Ian Macdonald, President Reagan's drug abuse advisor, participates in deliberations of the National Drug Policy Board. Congressman Guarini said it is shameful and pathetic

ic that we have moved as slowly as we have on drug abuse treatment.

Mr. Dick Hays testified that the Department of Education provides technical assistance to States in need of assistance in establishing and operating drug abuse education programs. The Department has distributed over two million copies of "Schools Without Drugs". There are five regional drug abuse education centers operating, he said.

Mr. Steven Hicks from North Carolina said that previous school-based and community-based supply and demand reduction strategies have been ineffective. He advocated a comprehensive, integrated drug abuse program in grades kindergarten through 12 with community involvement. He said that school-based drug abuse programs were important because that is where the children are. He declared that "If schools don't teach kids to resist drugs, they will fail to educate the children adequately. The real question is whether we will say yes to programs we know will work."

Mr. Hays told Congressman Guarini that the Department of Education had not developed a national drug abuse curriculum because there is disagreement over what should go into it. Mr. Hicks said that State officials share ideas on how they can implement drug-free school programs. Mr. Hicks said the Federal Department of Education has attempted to play a leadership role, but the budget and the data base to do an adequate job are not there. He said a \$250 million appropriation for drug abuse education works out to \$2 per child.

Mr. Hays said the Department of Education promulgated nonregulatory guidelines for the Drug Free Schools Act funds in order to get the money out to the States as quickly as possible. Congressman Gilman asked Mr. Hays, "Do you have any recommendations for us regarding omnibus II?" Mr. Hays said, "We must strengthen accountability and reporting requirements and make slight adjustments in how the program of drug abuse education for high risk youth is run." Mr. Hays said permitting a few children in the program who are not high risk youth would not disrupt the program. Mr. Hays said the five regional drug centers work with State education agencies, and that approximately 100 teachers have been trained by the Atlanta Regional Center.

Mr. Hays told Congressman Gilman that drug legalization would pull the rug out from drug abuse education efforts over the last few years. Mr. Hicks said that he has received little assistance from the Department of Education. Mr. Hays said that Mr. Hicks was an outstanding educational administrator and needed little supervision from the Federal Government. Mr. Hays said he was committed to administering the Drug-Free Schools and Communities Act.

FEDERAL LAW ENFORCEMENT ROLE IN NARCOTICS CONTROL IN SOUTHERN CALIFORNIA

(LOS ANGELES, AUGUST 23, 1988)

Witnesses:

Tom Bradley, Mayor, City of Los Angeles.

Zev Yaroslavsky, City Councilman, City of Los Angeles.

Gil Lindsay, Councilman, City of Los Angeles.

Mate Holden, Councilman, City of Los Angeles.

Jackie Goldberg, Member, Los Angeles City Board of Education

Ed Edelman, Supervisor, County of Los Angeles.

Robert Edmonds, Undersheriff, Los Angeles County Sheriff's Department.

Glenn Levant, Deuty Chief, Los Angeles Police Department.

John Miehle, Sergeant, Santa Monica Police Department.

Mike Kaye, Redondo Beach Police Department.

Gary Feess, Assistant United States Attorney, Central California District.

James Bramble, Special Agent in Charge, United States Drug Enforcement Administration.

This hearing was called to assess the role of federal law enforcement in narcotics control efforts in Southern California. Public officials and representatives of law enforcement in California have expressed concerns that the increase in federal law enforcement efforts in South Florida have forced drug traffickers to divert shipments of illegal drugs through Southern California. During this hearing, the Select Committee heard from officials regarding concerns that Los Angeles and Southern California are becoming the major entry points for illegal drugs, which are often transshipped to other areas of the country. Witnesses contended that despite the national character of this problem, additional federal law enforcement support, while urgently needed, has not been assigned to California.

James Bramble testified that the DEA, through investigative and intelligence efforts, has identified a significant increase in cocaine, heroin, and PCP trafficking in and through the Los Angeles area over the past four or five years. The DEA has particularly identified a trend in the increased use of Los Angeles as a staging and transshipment point for cocaine from Latin America producer countries to the United States. Special Agent Bramble confirmed that the DEA has intelligence establishing the connection between Latin American drug cartels and street gangs in Los Angeles.

Witnesses informed the Select Committee that Los Angeles based gangs are now involved in distributing illegal drugs across the nation. Undersheriff Edmonds testified that Los Angeles County is currently known as the gang capital of the United States, with over 650 gangs and an estimated membership of 70,000. Witnesses stated that Los Angeles based gangs are operating in Tulsa, Salt Lake City, Kansas City, Oklahoma City, Minneapolis, Phoenix, Nashville, Portland, and Seattle. Assistant U.S. Attorney Feess informed the Select Committee that if the Los Angeles drug gangs are allowed to become entrenched, "We are going to have a problem nationally on the scale that is going to be reminiscent of the Mafia in its heyday."

Several witnesses testified regarding the increasing problem of violence. In fact, Councilman Yaroslavsky opened his remarks by noting that the night before this hearing, eight people had been shot in a "drive by" drug-related shooting. Undersheriff Edmonds testified that in 1987, 387 people died in Los Angeles County as a result of drug gang violence, compared to 328 in 1986. Councilman Yaroslavsky went on to mention that in one police precinct alone,

162 homicides, or almost one every other night had occurred last year. Sophisticated weapons, including the AK-47, Uzis, and AR-15's are being widely used by drug gangs. Witnesses stated that frequently local law enforcement officers are simply out-gunned by drug gang members.

Mayor Bradley estimated that the cost of drug abuse, including loss of productivity, medical care, and law enforcement costs, is \$1.7 billion annually to the Los Angeles area, arguing that increasing funding for narcotics control efforts would produce significant financial savings. Councilman Gil Lindsay stated that society will either "pay by being burglarized and shot at or . . . by providing more funds for programs to divert our young people from drugs and gangs." In addition to consequences such as violence and loss of life, the financial loss due to drug abuse is a serious strain on Los Angeles.

Several witnesses testified that the increase in availability of illegal drugs has significantly reduced the street price of drugs, creating a broader clientele and particularly increasing the availability of drugs to young people. Board of Education Member Jackie Goldberg urged continued efforts to cut the flow of drugs, stating that "when drugs are as easy to obtain as they are now . . . the price goes down. As the price goes down, it becomes accessible to more and more young people. When . . . the price goes up . . . a lot of young people stop using some of the dangerous drugs." Witnesses confirmed that the price of cocaine in Los Angeles three years ago was \$40,000 a kilogram as compared to today's price of \$12,000 a kilogram, arguing that efforts to halt the easy availability of drugs must be increased.

The need for increased federal law enforcement support for narcotics interdiction efforts in Southern California was stressed by all witnesses. Mayor Bradley testified that the DEA has 341 agents assigned to Miami, 301 agents in New York City, but only 169 in Southern California. Los Angeles Deputy Police Chief Glenn Levant stressed the inadequacy of the federal response noting that the Los Angeles Police Department has twice as many narcotics detectives as have been assigned to the LA area by all federal agencies combined. Chief Levant recommended increasing narcotics agents in the Coast Guard, the Customs Service, the DEA, the FBI, the U.S. Marshals Service, the INS, and the U.S. Attorney's office. U.S. Attorney Feess amplified the importance of increased federal resources, noting that while federal law enforcement has traditionally aimed at high level interstate and international drug organizations, the Los Angeles drug gang phenomenon requires a commitment of federal resources to assist local law enforcement.

The consensus of the witnesses was that federal law enforcement assistance must be increased in Southern California to deal with the expanding drug menace. Southern California is caught in a vice-grip of violence as drug gangs, armed with sophisticated weaponry, battle for territory. The problem has assumed a national character, as Los Angeles based drug gangs are exporting drugs and violence to other major cities. Key testimony from the U.S. Attorney's Office stressed the urgency in halting this problem now, before the drug gangs become entrenched nationally. Although the decision to create a new drug gang task is praiseworthy, this hear-

ing made clear that this limited federal commitment is only a first step in combatting the drug problem, and that additional federal resources are necessary.

LEGALIZATION HEARINGS

PROLOGUE

A number of surprising occurrences caught the public's attention in 1988 regarding the drug crisis in America. But, perhaps, none was as controversial as the issue of legalization.

In April, Baltimore Mayor Kurt L. Schmoke touched off the firestorm in a speech to his colleagues at a gathering of the United States Conference of Mayors in Washington, D.C. During the speech, Schmoke said that U.S. drug policy had been a failed effort and reforms, such as legalization and decriminalization, should be seriously considered by leaders around the nation as the answer to rising drug-related crime.

Chairman Rangel was among the first to respond, and quickly moved to the forefront of those who disapproved of such drastic measures, pushing instead for increased resources for drug supply and demand reduction and an iron-clad commitment from all levels of government to mount a comprehensive campaign against drugs, including stopping the flow of illicit drugs into the United States from countries in South America and other foreign nations.

Throughout the ensuing months after the Schmoke speech, the Select Committee received at least one thousand letters and telephone calls from members of the general public voicing their opinion on the issue. As a result of the public debate and the need to have the issue addressed thoroughly and specifically, rather than in vague and general terms, Chairman Rangel scheduled a Select Committee hearing on the subject for late September.

More than 60 possible witnesses were considered for the hearing. After months of staff research and interviews and conversations with drug experts, a list of 36 witnesses, including Mayor Schmoke, was finalized for the hearing that was set for September 29-30, 1988. The hearing was televised nationally by some public interest networks and crystallized for the public the wide variety of opinion that existed around the country as to how the U.S. should conduct drug policy. Although a number of witnesses called for "reforms" in U.S. drug policies and law, only one supported the complete legalization of illicit drugs.

Chairman Rangel and Ranking Member Benjamin Gilman remained vocal opponents of legalization and decriminalization, as did many members of the Select Committee. In addition to their opposition, a number of public opinion polls taken throughout the year indicated that most Americans were against the proposal as well. Nevertheless, Chairman Rangel decided to proceed with a hearing as a way to give outspoken advocates of the idea a chance to publicly air and explain their positions and to hopefully once and for all end the recurring debate.

As Chairman of the Select Committee on Narcotics Abuse and Control, Mr. Rangel also conducted a committee hearing in conjunction with the Congressional Black Caucus Annual Legislative Weekend to examine the potential impact of drug legalization on

Black and other minority communities. This session was held on September 16, 1988, and provided a foretaste of the hearings on September 29 and 30.

These hearings are summarized below.

DRUG LEGALIZATION—CATASTROPHE FOR BLACK AMERICANS?

(SEPTEMBER 16, 1988)

Witnesses:

The Honorable W. Wilson Goode, Mayor, Philadelphia.

The Honorable Sharpe James, Mayor, Newark.

The Honorable Carrie Saxon Perry, Mayor, Hartford.

The Honorable Herbert H. Tate, Jr., Prosecutor, Essex County (Newark), New Jersey.

Chief Willie Williams, Philadelphia Police Department.

Rev. Ernest Gibson, Council of Churches of Greater Washington, D.C.

Dr. Beny Primm, President's AIDS Commission.

Dr. Frank E. Staggers, Sr., President, National Medical Association.

Ron Clark, RAP, Inc., Washington, D.C.

Edward S.G. Dennis, Assistant Attorney General, Criminal Division, Department of Justice.

Dr. Elaine Johnson, Director, Office of Substance Abuse Prevention, Department of Health and Human Services.

Dr. Charles E. Schuster, Director, National Institute on Drug Abuse, Department of Health and Human Services.

As Chairman of the Narcotics Committee and as a Member of the Congressional Black Caucus, Mr. Rangel conducted an open Committee hearing on drug legalization and the impact that it would have on America's black community. The hearing was held in conjunction with the Caucus' Annual Legislative Weekend activities held in Washington, D.C.

The hearing was held on September 16, 1988, and in many ways served as a prelude to the two-day legalization hearing held by the Select Committee on September 29-30, 1988.

Philadelphia Mayor W. Wilson Goode was the highlight of 12 witnesses who appeared at the hearing. The Mayor's testimony centered on the need for increased resource support for the anti-drug efforts of big-city governments, and he predicted a gloomy outlook for a society under legalization.

Mayor Goode was joined by his Police Commissioner Willie Williams, Newark Mayor Sharpe James, Essex County (N.J.) Chief prosecutor Herbert Tate Jr., as black public officials in opposition to the legalization or decriminalization of illicit drugs. However, newly-elected Hartford, Connecticut, Mayor Carrie Saxon Perry called for at least a discussion of legalization and decriminalization, emphasizing that Blacks are most victimized by the crime and death that results from the drug trade.

A number of Blacks who are active in the medical treatment and community interest area agreed that legalization and decriminalization would be detrimental to the health and welfare of Black America, especially to those in major urban centers where the drug

problem is already wreaking havoc. This panel was headed by New York treatment expert and Presidential AIDS Commission Member Dr. Beny Primm; National Medical Association President, Dr. Frank E. Staggers; Washington, D.C. treatment professional Ron Clark and the Rev. Ernest Gibson, whose anti-drug efforts in the nation's capital are well-chronicled.

The upshot of the discussion offered by the medical/community panelists was that the Black community would be at greater risk of suffering with health problems stemming from substance abuse if drugs were allowed to be sold legally in the United States. The consensus from these panelists was that legalized drugs would lead to an increase in drug use and experimentation.

Three Reagan Administration officials also appeared to speak to their impressions regarding legalization and the black community. The consensus from those panelists was that legalization would be a bad idea. The members of this panel were Assistant U.S. Attorney General, Criminal Division, Edward S. J. Dennis, and Office of Substance Abuse Prevention Director Elaine Johnson, who are both among the highest-ranking Reagan Administration Blacks, and Dr. Charles E. Schuster, Director of the National Institute on Drug Abuse.

The last portion of this hearing was reserved for an open exchange between members of the audience and the various panelists, including Chairman Rangel and Ranking Minority Member Gilman from the Committee.

LEGALIZATION OF ILLICIT DRUGS: IMPACT AND FEASIBILITY—PART I

(SEPTEMBER 29, 1988)

Witnesses:

The Honorable James H. Scheuer, Member of Congress, New York.

The Honorable Dante B. Fascell, Member of Congress, Florida.

The Honorable Carroll Hubbard, Jr., Member of Congress, Kentucky.

The Honorable Roy Dyson, Member of Congress, Maryland.

The Honorable Benjamin L. Cardin, Member of Congress, Maryland.

The Honorable Kweisi Mfume, Member of Congress, Maryland.

The Honorable Kurt L. Schmoke, Mayor, Baltimore.

The Honorable Marion S. Barry, Jr., Mayor, Washington, D.C.

The Honorable Donald "Doc" Master, Mayor, Charles Town, West Virginia.

The Honorable Carrie Saxon Perry, Mayor, Hartford, Connecticut.

The Honorable Edward I. Koch, Mayor, New York City.

The Honorable Dennis Callahan, Mayor, Annapolis, Maryland.

John Lawn, Administrator, Drug Enforcement Administration.

Arthur C. "Cappy" Eads, Chairman of the Board, National District Attorneys Association (District Attorney, Bell and Lampasas Counties, Texas).

Sterling Johnson, Special Narcotics Prosecutor, City of New York.

Jerald Vaughn, Executive Director, International Association of Chiefs of Police.

Ethan Nadelmann, Ph.D., Assistant Professor, Princeton University.

Arnold Trebach, Ph.D., Founder, Drug Policy Foundation.

Steven Wisotsky, Professor of Law, NOVA University.

William Chambliss, Ph.D., Professor, George Washington University.

Tod Mikuriya, M.D., Berkeley, California, Psychiatrist.

Charles R. Schuster, Ph.D., Director, National Institute of Drug Abuse.

James D. Watkins, Chairman, President's AIDS Commission.

John Gustafson, Deputy Director, New York Division of Substance Abuse Services.

Mitchell Rosenthal, M.D., President, Phoenix House, New York, New York.

Sue Rusche, National Drug Information Center, Families in Action.

The Select Committee's hearings on legalization closed out the committee's hearing schedule for the year.

The hearing featured Baltimore Mayor Kurt L. Schmoke as the lead-off witness. Schmoke sparked the legalization debate in a speech before The United State Conference of Mayors in Washington in April, when he called U.S. drug policy a failure and called for a debate on decriminalization and legalization. Schmoke said in early 1988 that he would be willing to accept an invitation to testify on the legalization issue.

During the two-day hearings held in Washington on September 29 and September 30, a total of 36 witnesses, including Members of Congress, testified. The sessions were televised live by at least one public network. Members of the public and various interest group representatives comprised most of the audience.

At issue was whether or not the legalization of illicit drugs should be considered a feasible alternative to current U.S. drug policy. Some of the specific questions considered, as Chairman Rangel has asked legalization and decriminalization advocates repeatedly, were: What drugs would we legalize? Who would manufacture and distribute them? In whose neighborhood would they be sold? Would we legalize crack? Would there be age and quantity limits on purchases? How much would we give addicts, enough to satisfy their craving or just enough to whet their appetites?

What about pilots, surgeons and nuclear plant operators, would they be allowed to use drugs in their off time? How would legalized drugs affect health insurance rates?

Eight Members of Congress—Roy Dyson (D-MD), Dante Fascell (D-FL), Robert Garcia (D-NY), Carroll Hubbard Jr. (R-KY), Kweisi Mfume (D-MD) and Benjamin L. Cardin Jr. (D-MD), along with James Scheuer (D-NY)—were the first witnesses to appear before the Committee. The common theme of the Members' testimony was that the drug problem may be out of control, but the solution lies in tougher enforcement, more resources, better treatment, rehabilitation and education, and better coordination among agencies and communities in turning back the tide of drug abuse, rather than allowing for legalized drugs.

Representative Jim Scheuer, the only Member of the Narcotics panel who testified as a witness, gave a different view. Representative Scheuer said leaders should be open-minded enough to discuss a wide range of options. Rep. Scheuer criticized what he saw as the continuous funneling of money into enforcement and interdiction with little results, but stopped short of actually calling for legalization or decriminalization.

Appearing briefly as a guest of the committee, Representative Tom McMillen (D-Md.) added his voice to those opposing, legalization. The former NBA basketball player told the panel of the personal and professional destruction of drug abuse he had seen up close as a player in the NBA. The Congressman predicted that legalization would destroy more lives and more careers, in and out of sports.

Following testimony by Congressional Members, as well as opening statements by the Select Narcotics panel, Mayor Schmoke unveiled his long-awaited plan to Chairman Rangel and the Committee.

The upshot of the Mayor's testimony before the committee was that U.S. drug policy has failed and that decriminalization is a viable option.

Mayor Schmoke told the panel that he supported a look at decriminalizing marijuana in tandem with a program of doctor-prescribed cocaine and heroin maintenance for addicts. He suggested that drugs not be given to non-users, and that physicians determine who is and who is not a user. However, there was no indication from the Mayor as to whether or not physicians, already burdened by a malpractice lawsuit crisis, would be willing to involve themselves in maintaining drug addicts. There was also no suggestion as to how these drugs would be manufactured and distributed.

The Mayor's approach also included a nationwide program to give out free needles to intravenous drug users as an attempt to curb the spread of drug-related AIDS, a look at decriminalization, and the continuation of penalties for drug importers and distributors.

Other Mayors who testified on Schmoke's panel and who also called for at least further debate were Marion Barry, Jr., of Washington, D.C.; Donald "Doc" Master of Charles Town, W.Va., and Carrie Saxon Perry, of Hartford.

Another panel of public officials, led by New York Mayor Edward I. Koch and DEA Administrator John Lawn, followed and warned that any kind of legalization or decriminalization of narcotics would lead to further disorder and would impede any progress in waging an effective "War on Drugs." Others on the panel were Mayor Callahan of Annapolis; Arthur C. "Cappy" Eads, of the National District Attorneys Association; Sterling Johnson, Special Narcotics Prosecutor for New York City; and Jerald Vaughn, of the International Association of Chiefs of Police.

The first day of hearings closed with testimony from two simultaneously-appearing panels on opposite sides of the issue.

Leading advocates of some form of legalization or decriminalization—Princeton professor Ethan Nadelmann, Washington Drug Policy Foundation founder Arnold Trebach, NOVA University law professor Steve Wisotsky and George Washington professor Wil-

liam Chambliss—criticized America's drug laws. They argued that Prohibition has threatened safety and personal liberties.

But a panel of treatment and public health experts led by the President's AIDS Commission Chairman Admiral James Watkins and Dr. Charles Schuster, Director of the National Institute on Drug Abuse, said that addictions would probably increase, that the rate of AIDS infection from intravenous drug use would rise and that more Americans would experiment with drugs. The members of this panel—which also included Dr. Mitch Rosenthal of Phoenix House in New York, and John Gustafson of the New York State Division of Substance Abuse Services—expressed concern, too, about sending mixed messages, especially to America's youth.

LEGALIZATION OF ILLICIT DRUGS: IMPACT AND FEASIBILITY—PART II

(SEPTEMBER 30, 1988)

Witnesses:

David F. Musto, Drug Historian, Yale University.
 David Boaz, CATO Institute.
 Richard Karel, Northern Virginia Journalist.
 Marvin Miller, Member, Board of Directors, NORML.
 Dale Masi, Ph.D., Professor, University of Maryland, School of Social Work and Community Planning.
 Ray and Gloria Whitfield, Recovered Addicts.
 Paul Moore, Development Director, The Scott Newman Center.
 Lawrence Brown, M.D., Clinical Instructor, Department of Medicine, Harlem Hospital, Surgeons of Columbia University.
 Senator Joseph Galiber, New York State Assembly.

Noted drug historian David F. Musto, of Yale, served as the lead witness for the second day of hearings. Musto reminded the panel and the public that America had a previous encounter with legalized drugs around the turn of the century. The results were disastrous, and spawned the nation's drug laws, Musto told the panel. Addiction to cocaine and heroin and the resultant problems caused during that period led the push for drug control laws that we have now, Musto said in his testimony.

According to Musto, the United States successfully came out of its first cocaine epidemic, and is in a position to come out of the current one. Musto told the panel that there could not be a worse time than now to consider legalization, as the interest and fascination with illicit drugs appears to be on the wane. Musto pointed out that attitudes about drug use are cyclical.

Musto's historical overview was followed by simultaneously-appearing panels similar to the panels that closed out the first day's testimony. These panels, too, included people on both sides of the issue.

The highlight of the simultaneous panels for day two was Washington, D.C., husband-wife couple Ray and Gloria Whitfield, both recovered addicts. The Whitfields warned that legalization or decriminalization would turn into a field day for drug users and would doom those trying to kick the habit.

Paul Moore of the Scott Newman Foundation; Sue Rusche of Families in Action; and Dr. Lawrence Brown of Harlem Hospital

joined them on the panel opposing the relaxation or repeal of drug laws. Dr. Dale Masi, of the University of Maryland, presented an overview of the problems caused by drugs in the workplace, telling the panel that legalization would exaggerate existing drug abuse problems in the workplace.

Four panelists supported various forms of legalization or decriminalization, continuing the themes echoed by their counterparts during the first day: David Boaz of the Washington, D.C.-based CATO Institute public policy center; journalist Richard Karel; Marvin Miller, Chairman of the Board of the marijuana-reform oriented NORML and Berkeley psychiatrist Dr. Tod Mikuriya, whose plans to legalize all drugs would include pharmacies as dispensaries.

The last testimony at the hearing came from New York State Senator Joseph Galiber. Galiber, who introduced a bill in the State Assembly to legalize all illicit narcotics in the State of New York, was the only witness who favored unfettered drug legalization. While disagreeing strongly with Senator Galiber, Mr. Rangel said his testimony perhaps demonstrated best of all how severe the drug problem is in our country and how desperately additional resources are needed to combat this problem on all fronts, rather than surrendering to it.

INTERNATIONAL ACTIVITIES

STUDY MISSION TO KOREA, THAILAND, BURMA, SINGAPORE, MALAYSIA, INDONESIA, AND HAWAII

(JANAURY 14-25, 1988)

The Select Committee conducted a study mission of opium, heroin and marijuana producing and trafficking nations in Southeast Asia from January 15-25, 1988. The study mission delegation consisted of Select Committee Chairman Charles B. Rangel; the ranking Minority member, Benjamin A. Gilman; and the following Select Committee members; Representatives Frank J. Guarini, William J. Hughes, Solomon P. Ortiz, Lawrence Coughlin, E. Clay Shaw, Jr., and Stanford E. Parris. Members of the Ways and Means Committee joining the delegation were Representatives Guy Vander Jagt, William Frenzel, Richard Schulze, and William M. Thomas.

Study Mission

The delegation visited the following nations and held discussions with U.S. Embassy representatives and host country officials on drug abuse and narcotics control and trafficking issues; Korea (Seoul, January 15-18), Thailand (Bangkok, January 18-20), Burma (Rangoon, January 20), Singapore (January 20-23), Malaysia (Kuala Lumpur, January 21), Indonesia (Jakarta, January 23), and the State of Hawaii (Maui, January 23-24).

While the production, trafficking, and abuse of narcotics and other drugs remains a serious problem in the Far East, the Committee is pleased to report that the nations visited all share a strong commitment to aggressive national efforts in the areas of

crop eradication, narcotics enforcement and drug abuse treatment and prevention activities. The Committee takes particular note of the expanded aerial eradication program in Burma, aggressive interdiction tactics in Thailand, strict street-level enforcement in Singapore, and the use of creative drug abuse treatment programs in Burma and Malaysia.

Notwithstanding these signs of progress, the cultivation, processing, and trafficking of narcotic drugs is at critical levels in Southeast Asia. High levels of opium and marijuana production in the Golden Triangle continue to fuel the machinery of drug trafficking organizations. Making use of the vast air, sea, and land transportation routes that crisscross Southeast Asia, organized criminal groups are able to maintain a steady flow of drugs throughout the region and to the West. Strict bank secrecy laws and the desire of developing nations for banks and financial institutions unencumbered by government regulation facilitates money laundering. The large sums of money involved in drug trafficking enterprises encourage corruption to flourish throughout the region.

The Committee urges more intensified efforts in all aspects of drug abuse and control in the nations visited. International and regional cooperation must be sought to enlarge and intensify illicit crop eradication and drug suppression efforts. All the states of Southeast Asia must explore the enactment of money laundering control, asset forfeiture, and conspiracy legislation. These laws would enable the law enforcement officials to trace and seize the assets of large scale trafficking organizations and cripple their operations. Lastly, the nations of Southeast Asia must collectively recognize the threat drug trafficking represents to their governments and societies. Parochial and longstanding cultural rivalries should be subordinate to the common foe—the drug trafficker. Failure to do so could have serious long term implications for stability in the region.

Lastly, cannabis production in Hawaii remains a serious problem. A lack of resources and interagency coordination between Federal agencies is hampering the eradication effort and facilitates the trafficking of Hawaiian marijuana to the mainland United States.

28TH MEXICO—UNITED STATES INTERPARLIAMENTARY CONFERENCE—
NEW ORLEANS, LOUISIANA

MARCH 4-7, 1988

The 28th Mexico—United States Interparliamentary Conference was held on March 4-7, 1988, in New Orleans, Louisiana. The U.S. delegation was chaired by Representative Kika de la Garza and Senator Christopher Dodd. Vice chairmen were Representative Gus Yatron and Senator Phil Gramm. Additional members of the delegation were Representatives Rangel, Gilman, Gibbons, Dreier, Goodling, Coleman, Gejdenson, Morrison, Kolbe and DeLay.

Chairman Rangel and Ranking Minority Member Gilman presented papers before the Conference's Political and Social Affairs Committee on bilateral efforts to combat illicit narcotics trafficking and abuse. In his remarks before the Political and Social Affairs Committee, Chairman Rangel stated,

I have always been pleased by the commitment to narcotics control cooperation demonstrated by the legislatures on both sides of our border. Yet, the situation is deteriorating. We are losing ground . . . Unfortunately, despite the effort of the Mexican government, Mexican heroin is said to have increased from an estimated 35-50 metric tons in 1986 to an estimated 45-55 metric tons in 1987. Likewise, Mexican marijuana production is said to have increased from an estimated 4,000-6,000 metric tons in 1986 to an estimated 5,970-7,130 metric tons in 1987.

As legislative colleagues, we have discussed the benefits of having a Mutual Legal Assistance Treaty between our two great nations and have encouraged our respective administrations to finalize such a treaty. Last June when we met, the final draft was being discussed by the executive branches of both governments. As you know, it was signed on December 9, 1987, and I am pleased that our Mexican colleagues have ratified it already.

In his remarks, Representative Gilman added,

We share a common problem as well as a common border. We must pool our resources and work together to combat the menace which we face. I have pointed out some depressing trends and statistics, but we are not without hope. There are programs and proposals which show great promise. The only sure way to win the war against drugs is to work together . . . Bilateral enforcement efforts will be enhanced by the new Mutual Legal Assistance Treaty, which was signed by U.S. Ambassador to Mexico Charles A. Pilliod, Jr., and Mexican Attorney General Garcia Ramirez on December 9, 1987 . . . Mr. Chairman, we serve no one but the drug traffickers themselves if we fall victim to complacency or pretend that the problems we face will go away by themselves . . . Organizations such as the United Nations Fund for Drug Abuse Control (UNFDAC) play a crucial role in our effort, and I commend the government of Mexico for its continuing support for international organizations combatting illicit drugs.

As a result of the discussions at the 28th interparliamentary meeting between the United States and Mexican delegations, the following joint communique was agreed upon:

JOINT COMMUNIQUE

I. This year's interparliamentary talks between the United States and Mexico once again confirm the relevance and viability of the meetings which have been held over the past twenty-eight years. These meetings provide special opportunities for dialogue between representatives of the people and constitute an institutional framework for the consideration of the principal issues that concern bilateral relations in their political, social, economic and cultural aspects.

The meeting held in New Orleans represents a step forward in the common aim of basing relations between the United States and Mexico on flexible, direct, and mature communication.

The meeting proved the desirability of maintaining the dialogue, which has been developed in an ongoing and systematic way since 1961. It contributed to the creation and maintenance of a favorable political climate for dealing with the array of issues that make up the bilateral agenda.

II. The delegations expressed the view that the various bilateral treaties and accords that have been negotiated and signed by their respective federal executives and approved in due time by the Senates of both countries, constitute a set of norms that have served to regulate different aspects of bilateral relations in detail, and confirmed their conviction of the importance that international law should govern the conduct of their contacts and exchanges.

III. In the course of the different working sessions of the Committee on Political and Social Affairs and on Economic Affairs, the parliamentarians expressed their views freely for the purpose of promoting new forms of cooperation between their Congresses, and through them, between their countries.

IV. The asymmetry that exists in relations between the United States and Mexico was acknowledged. Nonetheless, the mutual interdependence that characterizes these relations was also recognized—and interdependence which is manifested chiefly in economic affairs, but also has implications in political and social affairs. Both characteristics—asymmetry and interdependence—should be understood as fundamental elements in seeking a more balanced and equitable relationship.

V. They agreed that well conducted bilateral relations between their countries must be based on the recognition of their differences, on mutual respect for these differences, and on the willingness to cooperate through reciprocal understanding. In this regard, they agreed that friendship between the two countries must be based on strict respect for each other's political systems and forms of government.

VI. The delegations reaffirmed their continued commitment to the longstanding principle of respect for the sovereign equality of states as fundamental to resolving bilateral differences.

VII. They recognized that it is necessary to increase even further the holding of direct informal talks and exchanges between the legislators and staffs of the two countries, as a mechanism that promotes greater understanding of their political processes.

VIII. Similarly, they came to the conclusion that it is essential to strengthen cultural exchanges, as a proper means of attaining better understanding of their respective countries.

IX. The delegations reviewed basic issues of bilateral relations and exchanged views regarding international affairs of common interest. In the process they took note of major progress made in areas of cooperation and agreed on the necessity of working intensively on those areas that might give rise to friction or confrontation in the future.

X. With respect to the items on the agenda, they pointed out the following:

1. Political and Social Affairs

A. International and Regional Affairs

The present Central American crisis constitutes a serious threat to the sovereignty of these nations and to the survival of democratic practices in the region. The underlying cause of the conflicts in the region is lack of economic development and respect for human rights. The growth of their respective economies and the broadening of democratic institutions are necessary prerequisites for a long-term solution to these conflicts.

In resolving differences among Central American States, strategies of a political, economic and social nature must be combined, which when implemented, must be governed by an unqualified determination to achieve peace. In the pursuit of peace, all initiatives or alternatives are worthy of consideration, but balanced just, pluralistic and lasting solution of the Central American conflicts can only come about as a result of negotiations and political dialogue, among Central American nations, according to the will of their peoples, as expressed through democratic processes.

At the present time, within the peace-making process, substantial progress has been made toward achieving reconciliation and establishing new relationships based on mutual trust and respect. Both delegations applaud the Esquipulas II agreement and efforts by the Central American Presidents to achieve peace in their region. The two delegations pledge their full support of these efforts.

The Inter-American system can serve as a special forum of political dialogue among the nations of this hemisphere. Like all political organizations, it evolves according to the different political, economic, and social conditions of its members. Faced with increasingly pluralistic and heterogeneous characteristics among the American States, the system is supposed to play a fundamental role in the maintenance of peace, self-determination of peoples, and the peaceful settlement of dispute as provided for in the Charter of the Organization of American States.

The Mexican Delegation looked with favor on the process of disarmament which has been started by the United States and Soviet Union, as demonstrated by the adherence to the treaty providing for the elimination of short- and intermediate-range nuclear missiles now located in Europe and Asia. It recognizes that for the first time a step has been taken to go beyond limitation of armaments to eradication of one of its components.

Faced with the latent threat of a nuclear holocaust, which could even be triggered by technological malfunctions, mankind's yearning for a secure world order, based on trust and understanding among the plurality of states that comprise the community of nations, has intensified. Moreover, it has become clear that an enduring and stable peace must go hand in hand with economic development, since the latter allows for the establishment of new patterns of equity between nations.

B. Bilateral Affairs

As a result of their discussion on the issue of Mexican migrant workers in the United States, it was agreed that ongoing informal

dialogue between the two Congresses should continue in order to maintain regular communication. These discussions will allow for more adequate follow-up of this and other important bilateral issues.

On reviewing the exchanges held by the Commission for the Study of International Migrations and Cooperative Economic Development with various Mexican government officials, it was stressed that there is a trend toward shortages in the U.S. labor market and that the absence of Mexican labor may have an adverse effect on some sectors of the United States economy.

In the fight against the abuse of illicit drugs, a strategy of combat based upon the eradication of the phenomenon in all of its stages is needed. Both delegations emphasized the international sequential aspect of this criminal activity, and reaffirmed the objective of jointly attacking its underlying causes and the factors which enable it to flourish.

In the framework of bilateral cooperation for coping with this social cancer, they reviewed the work carried out by the executive initiatives of their respective governments, and expressed their conviction that this fight undertaken by the legal requirements of their respective judicial systems, be consistent with the Treaty of Mutual Legal Assistance, recently signed and already approved by the Mexican Senate. Both delegations expressed their confidence that this instrument would be approved by the United States Senate.

It is not only opportune, but also necessary, to proceed to the establishment of a Mexico-United States Intergovernmental Commission for the Control of the Abuse of Narcotic and Psychotropic Substances, as proposed by the Twenty-Sixth Mexico-United States Interparliamentary Meeting, held in Colorado Springs, Colorado, in 1986. Its work would undoubtedly contribute to enhancing cooperation in the field, and result in a more accurate diagnosis and effective fight against the production, financing, trafficking, distribution and consumption of drugs, as well as against "money laundering". Furthermore, its work would help to improve the campaigns of education and prevention against this activity.

The protection of the environment in the border region and along the coasts is a subject that requires mutually concerned efforts and strong political will. Bilateral dialogue on this subject has already led to important achievements, especially on the Arizona-Sonora border. Nevertheless, this is a matter that requires ongoing cooperation, because of the positive effect that it has on the quality of life of the population. The legislators agreed that the work undertaken by each party should be proportional to its economic capabilities.

The Mexican Delegation reiterated its request to the United States Senate to proceed to the consideration of the Treaty of Maritime Limits of 1976, since it sets forth principles of international law which are consistent with U.S. federal law.

2. Economic and Cultural Affairs

A. General Overview of the World Economy

In view of the marked economic interdependence of all countries in the world, particularly noteworthy because of the proximity of the United States and Mexico, it is essential not to analyze and resolve world economic problems with mere financial or accounting criterion, the consequences of which would foreclose opportunities for economic growth by the nations of less relative development, and would adversely affect the world community as a whole.

In the solution to the world economic crisis, the principle of international cooperation for development should play a predominant role. Following this course would not only avert the specter of a recession of alarming proportions, but would also contribute to more adequate development of productive forces in all the nations of the world.

Recognition must be given to the fact that each country must assume part of the responsibility for overcoming the present economic crisis.

Regarding external debt, legislators of both countries agreed that the capacity to pay off debts rests in restoring growth and development, and the flow of foreign exchange through increasing trade transactions and complementary financial flows. Therefore they recommended an increase in bilateral trade. In addition, they maintained that the subject of external indebtedness continues to be an object of ongoing dialogue between Mexico and its creditors, within the spirit of constructive negotiations, in order to identify innovative mechanisms designed to achieve fundamental solutions to the external debt problem, with the framework that corresponds to the responsibilities between debtors and creditors.

B. Bilateral Affairs

Both delegations agreed that Mexico has carried out a process of structural change in its economy. Mexican exports constitute a fundamental part of its ability to surmount the financial problems of its economy. This effort needs the understanding and cooperation of the United States of America—its chief trading partner.

A fruitful system of economic cooperation has been found in the in-bond industry. It is an activity which has mainly been characterized by assembly operations, but which also constitutes the basis for accepting new stages of shared production. Both delegations agree on the advisability of exploring this possibility further, so that they may contribute in their areas of competence to future expansion.

Following up on a suggestion of the U.S. Delegation at the twenty-seventh U.S./Mexico Interparliamentary Conference, that the labor organizations of their respective countries should meet to exchange views on the in-bond industry, the Mexican Delegation reported that representatives of the AFL-CIO and the CTM would meet later this month for that purpose.

After evaluating the growth in reciprocal tourist flows and reviewing the issue of the safety that each nation offers foreign visitors, they agreed that, aside from unfortunate isolated incidents,

tourists generally enjoy adequate conditions of safety during their visits.

It is necessary to promote ongoing educational and cultural exchanges, based on respect for each nation's traditions and customs. These exchanges serve to strengthen mutual understanding. For its part the Mexican Delegation thanked the United States legislators for the support their country has given to the work of identifying and returning Mexican archaeological pieces that were in the possession of U.S. private citizens or institutions, and reiterated its confidence in the certainty that the 1970 Treaty for the Recovery of Archaeological, Historical, and Cultural Wealth has given to this cooperative effort.

They recognized that scientific and technological cooperation is being carried out in very wide-ranging fields, and is directed toward better use of scientific knowledge in projects that can improve the utilization of resources in production processes. Both delegations committed themselves to encouraging these exchanges within the areas of their competence.

In order to maintain an ongoing channel of communications between the two delegations, the Chairman agreed to continue a special auxiliary working group as approved at the twenty-seventh interparliamentary session. This group will further review topics and problems of mutual interest and concern.

DIALOGUE WITH THE ANDEAN PARLIAMENT

On Tuesday, June 21, 1988, Members of the Select Committee met with representatives of the Andean Parliament to discuss what can be done to combat international drug trafficking and to curb drug abuse. The Andean countries are Bolivia, Colombia, Ecuador, Peru, and Venezuela.

In addition to the Andean delegates and Select Committee Members, there were observers from the Organization of American States and the Center for Democracy.

The Members of the Select Committee on Narcotics and the Andean visitors were honored when Speaker of the House of Representative Jim Wright came in to address the delegation. Speaker Wright stated, "This is unquestionably an important subject to everyone in our whole Hemisphere. Nothing contributes more devastatingly to the destruction of the integrity of humankind than the prevalence of drugs that ensnare and entrap the individual into a dependency which robs him or her of the most fundamental independence that exists in creation."

While all participants recognized the need for increased eradication of coca, specifically aerial eradication rather than manual eradication, the Andean delegation expressed reservations about the proposed herbicide, tebuthiuron. the concern was that the use of tebuthiuron could cause serious environmental damage.

Some Andean leaders expressed resentment that herbicides which had not already been field-tested in the United States might be used in the Andean countries.

Congressman Gilman told the visitors that even though it is an effective herbicide the Eli Lilly Company has been reluctant to uti-

lize that herbicide because of their concern of litigation and also concern for retribution by some of the traffickers.

Another issue discussed at the meeting was the need for effective crop substitution programs to discourage farmers from cultivating narcotics. One of the delegates noted that they respect the legal and traditional areas of the cultivation of this crop (coca) but oppose and condemn the extension of these traditional cultivation areas, because these extensions are illicit and have no legitimate linkage whatsoever with the traditional cultivation areas where it was grown legally.

The Andean delegation pointed out that in addition to narcotics production there is also a serious problem in the Andean countries with terrorism and foreign trade.

A delegate from Venezuela said that while he could not speak for all participants at the meeting, his country would welcome additional equipment with which to fight the drug dealing industry.

Another issue discussed at the meeting was the need to make progress on extradition treaties. It was suggested to hold an inter-American convention on extradition. Some delegates expressed concern that extradition has been viewed as a panacea to the drug trafficking problem.

The extradition of Matta Ballesteros from Honduras to the United States was an issue that caused great anger and resentment in Latin American countries. It was also suggested that the topic of extradition be approached from a multilateral rather than bilateral viewpoint.

The Andeans said that they are still trying to understand the sensitivities of their own people on the entire drug issue. The entire group recognized that narcotics was not just a problem in the United States, but was a world problem.

The participants discussed a draft communique which would adequately summarize the content of their meetings with Members of the Senate and the Select Committee on Narcotics and agreed to issue the following joint statement:

JOINT DECLARATION BY THE REPRESENTATIVES OF THE ANDEAN PARLIAMENT AND THE REPRESENTATIVES OF THE HOUSE OF REPRESENTATIVES SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL, THE SENATE SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS, THE SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL AND THE INTER-AMERICAN DRUG ABUSE CONTROL COMMITTEE AT A MEETING IN WASHINGTON, DC, ON JUNE 21, 1988, WITH THE ASSISTANCE OF THE CENTER FOR DEMOCRACY

Recognizing the mutual interest of the United States of America and the nations of Andean America in the reduction of illegal consumption, production and trafficking of drugs and the menace that organized narco-trafficking represents for the security and the continuation of democracy in our governments;

We underscore the importance of declaring the illegal production, traffic and use of drugs as a crime against humanity.

We, the signers of this document, pledge to meet yearly in order to define agreements to halt the illegal consumption, production and traffic of drugs, and other topics of common interest.

Our nations must define and propose specific goals in the upcoming years for the elimination of the illegal consumption of cocaine and other drugs and for the eradication and or substitution of illegal crops that can be used for the production of illegal drugs.

The goal must be to expeditiously eliminate the consumption of drugs in all nations, and an equal elimination of the production of illegal coca leaf, marijuana, opium and psychotropic substances in all nations.

We exhort our countries to study and adopt concrete measures to control funds, goods, and other items that have their origins in the illicit traffic of drugs, including money laundering and any other transaction that tends to hide the illicit origins.

The Congress of the United States of America pledges its support to the efforts of the Andean Parliament for the coordination and harmonization of anti-drug legislation in the subregion.

We urge the respective presidents of our nations to arrange a summit meeting to develop a joint strategy to deal with the subject matter of this declaration.

We agree in underscoring that all nations should cooperate in providing assistance in order to establish an international strategy and inter-American mechanisms for cooperation in the fight against the illegal production, traffic and use of drugs.

MIAMI CONFERENCE ON THE CARIBBEAN (NOVEMBER 30-DECEMBER 2)

From November 30th until December 2nd, heads of state, legislators, cabinet ministers and other public and private leaders from around the world met to study and discuss issues of concern to the Caribbean and Central American regions.

This was the first time in the history of this annual conference that the narcotics issue was included as a separate policy issue. Chairman Rangel and Select Committee Member Larry Smith, who also serves as the Chairman of the Foreign Affairs Task Force on International Narcotics Control, participated as the official Congressional commentators on the narcotics trafficking panel.

The narcotics trafficking panel addressed such issues as an international drug enforcement force, the linkage of foreign assistance to narcotics efforts, Caribbean country drug policies and drug enforcement, national sovereignty, and the Anti-Drug Abuse Act of 1988 which had been signed into law only a few weeks before.

Chairman Rangel outlined some of the key provisions in the new narcotics legislation, including the major new initiatives to reduce the demand for drugs within the United States. He also emphasized some of the international initiatives which involve Caribbean Basin countries. He pointed out that these rather bold initiatives had grown out of a recognition of the magnitude of the problem. He stressed the need for close cooperation among the many nations that are hurt by the drug trade.

Congressman Frank Guarini, a senior Select Narcotics Committee Member and Co-Chairman of "Congressional Friends of the Caribbean," helped organize the conference and participated in the proceedings.

Ranking Minority Member, Benjamin A. Gilman, attended the conference and addressed the conferees on the foreign affairs section of the Anti-Drug Abuse Act of 1988.

Mr. Gilman stressed the importance of international organizations such as the United Nations Fund for Drug Abuse Control (UNFDAC) in the effort to combat international drug trafficking and drug abuse. He also stressed the importance of holding a Western Hemisphere drug summit, as called for in the new drug bill, so that countries who share a common problem could work together towards a common solution.

Also participating in the Miami Conference were President Oscar Arias of Costa Rica, Foreign Affairs Chairman Dante Fascell, and Secretary of State George Shultz.

STUDY MISSION TO CENTRAL AMERICA AND THE CARIBBEAN (DECEMBER 8-20, 1988)

From December 8-20, 1988, the House Select Committee on Narcotics Abuse and Control conducted a Study Mission of drug production and trafficking in Central America and the Caribbean. The delegation consisted of the following Members of the Select Committee: Chairman Charles B. Rangel, Ranking Minority Member, Benjamin A. Gilman, and Representatives Frank J. Guarini, Walter E. Fauntroy, William J. Hughes, and Solomon P. Ortiz. Others Members of Congress participating in the Study Mission were Representatives George W. Crockett, Jr., Guy Vander Jagt, Ron de Lugo, and Kweisi Mfume. Staff of the Select Committee assisting the delegation included: Edward H. Jurith, Staff Director; Elliott A. Brown, Minority Staff Director; and Professional Staff Members Rebecca Hedlund, Barbara Stolz, James Alexander, and Richard Baum. Other Congressional staff participating included, Hayden Gregory, Counsel, Subcommittee on Crime, Committee on the Judiciary; Janice Hays, Tax Counsel, Committee on Ways and Means; Vivian Jones, District Administrator to Chairman Rangel; and Sandra Watkins, Office of the Honorable Jim Wright, Speaker of the House.

The delegation made the following official visits: Mexico City, (Dec. 8-11); Belize City (Dec. 11); Kingston, Jamaica (Dec. 11-13); Havana, Cuba (Dec. 13-14); Dominican Republic (Dec. 14-17); Georgetown, Guyana (Dec. 17); and Trinidad and Tobago (Dec. 17-20). The Members met with the heads of State in all the countries visited. These included President Carlos Salinas de Gortari (Mexico), Prime Minister Manuel Esquivel (Belize), Prime Minister Edward Seaga (Jamaica), President Fidel Castro (Cuba), President Joaquin Balaguer (Dominican Republic), President Desmond Hoyte (Guyana) and Prime Minister Arthur Robinson (Trinidad and Tobago). The delegation also met with the Foreign Ministers, Ministers of Justice, Attorneys General, police and health officials in the countries visited.

In addition, as noted below, because of information obtained during the trip, the Delegation changed its scheduled refueling stop on its return flight (Dec. 20) from Puerto Rico to Caracas, Venezuela, to provide an opportunity to discuss regional drug enforcement

concerns with U.S. embassy representatives, including the Ambassador.

The delegation was struck with the strong sense of concern over rising levels of drug trafficking and drug abuse in the Western Hemisphere expressed by the various national leaders with whom the Committee met. It became increasingly clear to the delegation that a unique opportunity exists at present for an effective regional effort, throughout the Western Hemisphere, to come to grips with the power and influence of the narco-trafficking organizations that are dominating the political landscape of the region.

In Mexico, the delegation was truly impressed by the commitment of the new Salinas Government to combat drug trafficking and by President Salinas' personal determination to "make life miserable for drug traffickers in Mexico, before they make life in Mexico miserable."

In Belize, the Members were moved by the determination of the Esquivel Government to insure that their emerging nation does not become a haven for drug trafficking, while at the same time trying to increase economic opportunity for the people of Belize.

In Jamaica, the Committee was impressed with the dedication of the Jamaican military, police and people in continuing one of the most effective marijuana eradication programs, and at the same time having the courage to not only rebuild Jamaica in the wake of destruction left by Hurricane Gilbert, but to enhance the infrastructure of Jamaica.

In Cuba, the delegation was struck with the sincere willingness of President Castro to be involved in narcotics control efforts in Latin America, and his apparent readiness to consider future cooperation with the U.S. on drug matters as a result. The delegation strongly urged President Castro to expeditiously release any and all of the remaining long-term political prisoners in the name of human rights and dignity, and in accordance with international agreements. The President informed the delegation that he would seriously consider their request.

In the Dominican Republic the Committee appreciated the continued efforts of Dominican officials to track, identify, and apprehend drug traffickers operating through and in its territory; and in Guyana, the Members were impressed by the determination of the Hoyte Government to prevent a drug abuse situation developing in their country through its adoption of comprehensive anti-drug legislation.

The delegation was appreciative of the efforts by the Robinson Government in Trinidad and Tobago in launching a national crusade against drugs.

As a result of information obtained in Belize, Guyana and Trinidad and Tobago regarding the assistance of U.S. DEA personnel, the Delegation decided to stop over in Caracas, Venezuela, on the return trip home, to talk with the United States Ambassador and the DEA country attache about increasing agents' presence in the region.

The time is ripe for drug policy makers to act upon this new era of awareness in the Western Hemisphere of the need for a coordinated, allied commitment against drug abuse and drug trafficking. The Select Committee urges the new Bush Administration to re-

spond to this new atmosphere as quickly as possible and call upon all the nations of the region to join with the U.S. in a Western Hemispheric Summit on drugs in order to develop the appropriate strategy for success in this area.

Meetings on International Narcotics Control

Introduction

Throughout 1988, the Select Committee on Narcotics Abuse and Control met with Department of State and other U.S. officials charged with international narcotics control responsibilities and with U.S. Ambassadors to narcotics producing and trafficking countries. These meetings served to keep both Federal agencies and members of the diplomatic corps informed of the interests and activities of the Select Committee. They provided Select Committee members the opportunity to convey their concerns and the concerns of the House of Representatives regarding specific issues and problems related to international drug production and trafficking. Members were also able to ascertain the diplomatic and other initiatives being undertaken to support U.S. international narcotics control policy.

Meetings also were held with foreign officials and delegations to discuss drug trafficking and drug abuse. Most of the meetings were held with representatives of major drug producing and trafficking nations. All were directed toward the objective of promoting the Congress' desire for more effective international narcotics control.

The following is a list of some of these meetings:

Department of State and the Drug Enforcement Administration, briefing on drug trafficking in Southeast Asia (January 13).

Charles J. Pilliod, United States Ambassador to Mexico (February 8).

Eduard Piou, Charge D'Affaires, Government of Haiti (February 9).

State Department and Drug Enforcement Administration officials, briefing on drug situation in Haiti (February 9).

Ambassador Jorge Espinosa de los Reyes of Mexico (February 23).

Ambassador Juan B. Sosa of Panama (February 25).

Mike Skol, Director of Andean Desk, Department of State (March 1).

Drug Enforcement Administration, briefing on drug trafficking in Mexico (March 2).

Mexican law enforcement officials, Jose Gonzales and two Deputy Attorneys General (March 17).

Governor Fida Mohammed Khan of Northwest Frontier Province, Pakistan (April 21).

Representatives from the Department of Justice, Drug Enforcement Administration, regarding the Executive Observation Program (April 21).

Bruce Chapman, United States Ambassador to International Organizations, United Nations, Vienna, Austria (May 4).

Officials from the Bolivian Chamber of Commerce (May 5).

Representatives of Peruvian Chamber of Commerce (May 10).

Dominican Republic Chamber of Commerce (May 11).

Ann Wroblewski, Assistant Secretary of State for International Narcotics Matters, concerning proposed omnibus anti-drug legislation (May 12).

Attorney General Edwin Meese, briefing on 8-day study mission to Latin America (May 17).

Clyde Taylor, United States Ambassador to Paraguay (May 26).

Egyptian anti-narcotics officials (June 22).

William Sessions, Director of the FBI, concerning FBI anti-drug related activities (June 28).

United States Ambassador to Venezuela, Otto Reich (July 14).

Bolivian Ambassador to the United States, Carlos Delbues (July 14).

General Juan Zarate, Director of the Anti-Drug Division of the Civil Guard of Peru (August 2).

Deputy Attorney General Jose Ortega Podilla, Mexico (August 9).

Dwight Ink, Agency for International Development, Administrator for Latin America (September 6).

Representatives of President-Elect Carlos Salinas de Gortar, Mexico (September 20).

Robert Gelbard, United States Ambassador to Bolivia (September 22).

Thomas McNamara, on appointment as United States Ambassador to Colombia (September 27).

Activities in Support of Legislative Initiatives

Introduction

The Select Committee's major activities in support of legislation during 1988 focused on the Committee's participation in the development of a comprehensive narcotics control bill. This initiative, which ultimately was enacted as the Anti-Drug Abuse Act of 1988 (P.L. 100-690), originated in the House of Representatives in May when the Speaker instructed House committees to draft individual measures for consolidation in an omnibus bill. The House package was assembled under the direction of the House Leadership. The Select Committee's role in the development of this bipartisan initiative is discussed in detail in the section of this report on the omnibus bill.

Throughout the year, the Select Committee also was active in supporting a variety of other legislative proposals. These activities are discussed briefly below. The substance of some of these measures ultimately was incorporated in the omnibus drug bill.

H.R. 4214 AND H. RES. 409, EDWARD BYRNE LEGISLATION

In late February, rookie Queens, New York, policeman Edward Byrne met his untimely death while sitting in his patrol car guarding a witness in a major drug case. His execution-style slaying prompted calls for increased support for State and local drug en-

forcement, as the 1986 Anti-Drug Abuse Act passed into law by the Congress and signed by the President originally provided.

Chairman Rangel, one of the most vocal supporters for increased State and local funding, introduced a commemorative resolution and a bill in Byrne's honor following his death. The legislation was designed to first pay tribute to Byrne and other courageous policemen across the nation who put their lives on the line daily in the war on drugs. It was also introduced to serve as a reminder of the importance of having the State and local drug enforcement portion of the 1986 drug bill fully funded. That portion of the 1986 drug bill has not been fully funded.

The Byrne legislation, H.R. 4214 and H. Res. 409, was eventually incorporated into the omnibus Anti-Drug Abuse Act of 1988, signed into law by the President on November 18, 1988. As a result, the revised State and local law enforcement grant program is now permanently named in officer Byrne's honor.

Chairman Rangel's legislative initiative was introduced with the full support of the Byrne family. Byrne's father, a former New York policeman, and a brother, who works as a prosecutor, attended a New York press conference on March 25 with Chairman Rangel to announce the legislation. Also in attendance supporting the initiative were New York Mayor Edward I. Koch, New York Special Narcotics Prosecutor Sterling Johnson, Jr., Manhattan District Attorney Robert Morgenthau, Police Commissioner Benjamin Ward, representatives from the Governor's office and The United States Conference of Mayors, and Representatives James Scheuer, Floyd Flake, and Thomas Manton.

H.R. 4811, LOCAL DRUG ENFORCEMENT ENHANCEMENT AMENDMENTS OF 1988

The Anti-Drug Abuse Act of 1986 (P.L. 99-570) authorized a new State and Local Narcotics Control Assistance Program. The program provided formula grants to States which in turn were required to pass through a certain portion of their formula grant funds to units of local government. The purpose of the program was to help State and local governments enhance their drug enforcement efforts in seven major areas: apprehension; prosecution; adjudication; detention; eradication; meeting the need of drug-dependent offenders; and demonstration projects to expedite prosecution of major drug offenders. The program was intended to help States and localities meet their highest priority drug enforcement needs.

In a series of hearings examining implementation of the 1986 omnibus drug legislation, and through a variety of other meetings and contacts, the Select Committee received numerous complaints that the formula grant program as not working as Congress intended. Under the Justice Department's interpretation of the law, the pass-through provision only established a minimum, aggregate amount that each State was required to share with local governments, but it gave the State total discretion to decide which localities would receive awards and how much they would get.

Many local officials, including mayors and police chiefs, told the Committee that they were not adequately consulted in the prepara-

tion of statewide drug enforcement plans as required under the 1986 act, that States did not give adequate consideration to local drug enforcement priorities in developing statewide plans, that funds were long-delayed in coming from the State to the local level, and that many localities did not receive a share of funds proportionate to the resources and efforts they were expending on drug enforcement efforts.

Testifying before the Select Committee on May 26, 1988, as President of the United States Conference of Mayors, Mayor Richard L. Berkley of Kansas City, Missouri, expressed the sentiments of many local officials when he declared:

We are frustrated with the bureaucracy and we are disheartened by the lack of support from the Federal Government. The drug problem is in the streets, the schools, the playgrounds of our cities; the hand-to-hand combat is in the cities. *We assert that the funding the Federal Government is willing to provide, however limited, must be allowed to come directly to the cities, directly to the problem, not through a bureaucratic tangle of Federal and State checkpoints* (emphasis in original).

On June 14, 1988, Mr. Rangel introduced H.R. 4811, the Local Drug Enforcement Enhancement Amendments of 1988. The purpose of the bill was to expedite the flow of drug enforcement formula grant funds to localities and to give local governments greater autonomy in determining how to use this Federal assistance.

The bill set aside for direct grants to localities within each State the pass-through funds that each State was required to share with units of local government under the Anti-Drug Abuse Act of 1986. To qualify for a direct grant, the bill required a unit of local government (or a combination of such units) to have a population of 50,000 or more and to be eligible for an award of \$50,000 or more as determined by the locality's criminal justice spending compared to such spending by all local governments within the State. The bill also gradually increased the authorization of funds for drug enforcement grants to \$725 million a year by fiscal year 1992. In addition, because different units of local government often fund different components of the criminal justice system, the bill authorized incentive grants to encourage local governments to join together to develop coordinated anti-drug crime strategies involving all elements of the criminal justice system—police, prosecutors, courts and prisons.

H.R. 4811 was referred to the Committee on the Judiciary, Subcommittee on Crime. On June 14, Chairman Rangel wrote to Chairman Hughes of the Crime Subcommittee, who also serves on the Select Committee. Mr. Rangel urged the Subcommittee to give strong consideration to H.R. 4811 in any package of legislation the Subcommittee would recommend to the full Judiciary Committee for inclusion in the leadership's omnibus anti-drug initiative then under development.

H.R. 4811 received the strong endorsements of The United States Conference of Mayors, the National Association of Counties and the National Association of Criminal Justice Planners. A subsequent GAO report to Chairman Rangel on New York's experience

under the drug enforcement formula grant program provided additional justification for legislation along the lines of H.R. 4811. (A more detailed discussion of this GAO study is included in this report in Section VII, Special Activities.)

The Crime Subcommittee recommended, and the Judiciary Committee approved, the concept of direct funding to localities in legislation reported for inclusion in H.R. 5210, the House omnibus drug bill, which ultimately became the Anti-Drug Abuse Act of 1988. The Judiciary Committee's recommendations, which passed the full House, required States to pass through Federal drug enforcement formula grants funds directly to local governments eligible for awards of \$25,000 or more based on a locality's criminal justice spending relative to such spending by all other units of local government within the State. The original omnibus drug bill introduced in the Senate included a similar direct pass-through to localities with a population of 500,000 or more, but this provision was subsequently dropped.

Both Mr. Hughes and Mr. Rangel participated in the House-Senate meetings to reconcile these differing positions. Conference negotiators, however, were unable to reach an acceptable compromise and decided not to change the current intrastate allocation formula at this time. Members of both bodies agreed, however, that Congress should reconsider this issue in 1989. The lack of sufficient funding to appropriate the full amounts authorized for this program was a major factor in this decision.

In his floor statement on House passage of the conference agreement on H.R. 5210, the omnibus drug initiative, Chairman Rangel said:

Some have said that a direct pass-through would make it impossible for States to coordinate programs and allocate funds to those areas with the greatest need. The issue, however, is not one of need versus entitlement. It would be hard to find an area of our country today that does not face critical unmet needs in drug enforcement. The question is whether local law enforcement and criminal justice officials, who are in the frontline trenches of our Nation's drug war, will be able to receive and use their share of these Federal moneys to address their highest priority drug enforcement needs.

In the 1986 act, Congress intended to help both States and local governments meet their most pressing drug enforcement problems. Coordination of State and local efforts is an important goal, but in too many cases it appears that local priorities have not been given sufficient consideration. Congress should act quickly next year to remedy this situation.

H.R. 5045, THE ANTI-DRUG RESOURCE ENHANCEMENT ACT OF 1988

On July 14, 1988, Congressman Benjamin A. Gilman, Ranking Minority Member of the House Narcotics Committee introduced H.R. 5045, The Anti-Drug Resource Enhancement Act of 1988.

The legislation would modestly increase excise taxes on alcohol and tobacco in order to raise funds to fight drugs. The excise tax on

beer would be raised 1 cent per can, on cigarettes 2 cents per pack, and on wine 3 cents per bottle. These small increases would raise over \$1 billion which would be placed in a special trust fund and used only to combat drug trafficking and substance abuse. Ninety percent of the contents of the trust fund would be spent on fighting illicit narcotics and ten percent would be dedicated to education and research on alcohol and tobacco-related addiction. Federal excise taxes on beer and wine have not been raised since 1951 and these taxes are not indexed from inflation.

The bill was referred jointly to the Committees on Ways and Means, Education and Labor, the Judiciary, and Energy and Commerce. Congressman Gilman's attempt to attach H.R. 5045 to H.R. 5210, the Omnibus Anti-Drug Act of 1988, was one of the over a hundred proposed amendments to the drug bill rejected by the Rules Committee.

H.R. 5, REAUTHORIZATION OF THE DRUG-FREE SCHOOLS ACT

In April 1988, Congress passed and the President signed into law H.R. 5, the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297). This comprehensive legislation extended through fiscal year 1993 virtually all major Federal programs for elementary and secondary education including the Drug-Free Schools and Communities Act. That Act was the drug abuse education component of the omnibus Anti-Drug Abuse Act of 1986 (P.L. 99-570). It authorized for the first time a comprehensive program of Federal assistance to State education agencies and local schools to help them educate our young people about the dangers of drugs.

The 1986 omnibus drug legislation authorized the Drug-Free Schools and Communities Act through 1989 at \$200 million for 1987 and \$250 million annually for each of fiscal years 1988 and 1989. H.R. 5 extended the Act through 1993 at "such sums as may be necessary" for each year to provide flexibility for the program to grow as needed (Note: The Anti-Drug Abuse Act of 1988, P.L. 100-690, subsequently provided a specific authorization of \$350 million for 1989). H.R. 5 also included some revisions to clarify the Department of Education's authority to evaluate programs under the Drug-Free Schools Act and to increase the accountability of State and local programs.

H.R. 5 originally passed the House on May 21, 1987, with the strong support of Select Committee members. The Senate passed the bill in December 1987 but without the provisions reauthorizing the Drug-Free Schools and Communities Act. The Senate, however, approved an amendment reauthorizing and substantially amending the Drug-Free Schools Act in separate legislation to authorize a White House Conference on Library and Information Services (H.J. Res. 90). The Senate's separate language was then considered in the conference on H.R. 5 as a possible amendment to the House-passed provisions extending and amending the Drug-Free Schools Act.

The Senate language was based in part on proposed legislation submitted to the Congress in 1987 by the Department of Education. It included requirements for local schools to provide detailed infor-

mation on student drug and alcohol use in their applications to State education agencies for Federal funds under the Drug-Free Schools Act. It also authorized a State to terminate third-year funding to any local school that the State determined was not making adequate progress on a drug education program.

On February 16, 1988, Chairman Rangel wrote to Chairman Hawkins of the House Committee on Education and Labor expressing his strong opposition to the Senate provisions and his support for the House language. Noting that he had raised similar objections in an April 1987 letter to Education Secretary William Bennett, the Chairman wrote that the Senate provisions could impose costly, time-consuming and burdensome data collection requirements on local schools. He also supported a House provision that required States to furnish technical assistance, in lieu of terminating funding, to schools that failed to make reasonable progress on a drug education program. Mr. Rangel cited a recent GAO report to the Select Committee that endorsed the House approach. He also pointed out that GAO had found States ill-prepared to handle evaluation responsibilities on their own and had raised serious questions about Federal efforts to assist States in this important area (A more detailed discussion of this GAO report is included in this report in Section VII, Special Activities.).

In conclusion, the Chairman wrote:

The Anti-Drug Abuse Act was intended to provide strong Federal leadership to help States and local schools develop effective drug abuse education programs. It was not intended to punish schools that need help. I would caution against the granting of authority to States that could undermine the very goals Congress sought to achieve in enacting this landmark legislation. The House language, I believe, strikes a proper balance between the need for accountability and the need to encourage local commitment to effective school-based drug abuse education.

Following the Chairman's letter to Chairman Hawkins, Select Committee staff provided assistance, upon request, to Education and Labor Committee staff in developing acceptable alternatives to the Senate proposals. The conference report rejected the Senate's detailed data collection requirements. It retained the House requirement for States to provide technical assistance to schools that fail to make reasonable progress toward effective drug education programs, in lieu of the Senate's provisions authorizing States to terminate funding to such schools.

In a statement on the conference report, Mr. Rangel said:

H.R. 5 reaffirms the commitment of the Congress to a strong Federal partnership with State and local school agencies in developing comprehensive drug abuse education programs in our schools. The bill demonstrates that Congress did not intend the Anti-Drug Abuse Act to be merely one-time seed money but a down payment on continuing Federal support for drug abuse education as part of a comprehensive strategy to fight drug abuse and drug traffic.

H.J. RES. 582, DRUG FREE AMERICA WEEK

On May 26, 1988, Chairman Rangel and Alaska Representative Don Young combined in bipartisan fashion to jointly sponsor a resolution in the House of Representatives (H.J. Res. 582) observing "Drug Free America Week" October 24-30, 1988. A like measure (S.J. Res. 329) was sponsored in the Senate. The measure passed the Senate on July 26, the House on September 16, and was signed into law (P.L. 100-455) on September 29, making the observance official.

Drug Free America Week was designed to spur grassroots-level involvement nationwide in anti-drug efforts that aim to promote the cause of a drug free America.

The special week of observance was announced in an August 11, 1988, Capitol Hill press conference in which Chairman Rangel participated with other Congressional and Administration leaders. A number of anti-drug organizations from around the country also sent representatives to Washington for the kick-off press conference.

Among the agencies that worked closely in organizing the special week are the National Drug Policy Board, the White House Drug Abuse Policy Office and the Alcohol, Drug Abuse and Mental Health Administration. The National Federation of Parents for Drug Free Youth also participated in organizing "Drug Free America Week."

TESTIMONY OF CHAIRMAN RANGEL ON COLOMBIA TO THE HOUSE FOREIGN AFFAIRS TASK FORCE ON INTERNATIONAL NARCOTICS CONTROL, JANUARY 27, 1988

Testifying, January 27, 1988, before the Task Force on International Narcotics Control of the House of Representatives Committee on Foreign Affairs, Chairman Charles B. Rangel deplored the abduction and murder of Carlos Mauro Hoyos, the Attorney General of Colombia, and the abduction of Andres Pastrana, son of former Colombian President Misael Pastrana Borrero. Fortunately, Andres Pastrana was found by Colombian police unharmed. A group called "The Extraditable Ones," who face extradition to the United States on drug charges, claimed responsibility for the Hoyos' killing.

Chairman Rangel told the members of the Task Force on International Narcotics Control that in the last four years drug traffickers in Colombia have murdered journalists, former Justice Minister Lara Bonilla, Colonel Jaime Ramirez, Chief of Colombia's National Narcotics Police, and 21 judges. Rangel declared that the sad truth of the matter is that the Government of Colombia is being held hostage by drug traffickers who are conducting a concerted campaign to intimidate, eliminate and corrupt government officials. What is happening in Colombia is occurring to varying degrees in Peru, Bolivia, and other parts of Latin America, and it will only get worse until uncontrolled drug trafficking is checked, he said.

To deal with the pattern of escalating violence by Colombian narco-terrorists, Chairman Rangel called for the members of the Task Force to join him in urging President Reagan to convene a summit meeting of Western Hemisphere leaders. Chairman Rangel

said that President Reagan and Secretary of State Shultz need to make narcotics control a top foreign policy priority on a level with fighting communism in this Hemisphere. He urged that the United States, in concert with other nations of this Hemisphere, need to mobilize the resources of the United Nations, the Organization of American States and other international bodies in the fight against drugs.

Chairman Rangel stated democracy in Latin America is under serious attack by drug traffickers. The escalating drug trade and the growing influence of drug criminals threatens the national security of all nations in the Hemisphere. He concluded by saying recent events in Colombia show how difficult the fight will be. But at the same time, he said, the Colombian situation presents us with opportunities for new initiatives, opportunities that should not be lost.

STATE AND LOCAL DRUG ENFORCEMENT FUNDING—TESTIMONY
BEFORE THE APPROPRIATIONS SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE AND JUDICIARY, APRIL 12, 1988

On April 12, 1988, Chairman Rangel and Ranking Minority Member Gilman testified before the House Appropriations Subcommittee on Commerce, Justice, State and Judiciary in support of full funding for Federal drug enforcement programs and in particular Federal assistance to State and local drug enforcement.

Mr. Rangel noted that the President's 1989 budget request proposed a 13 percent rise over 1988 funding levels for Federal drug law enforcement. The President's request included increases for the Drug Enforcement Administration, the Federal Bureau of Investigation, the Bureau of Prisons, the U.S. Attorneys, and the Immigration and Naturalization Service. He fully supported these requested increases and urged the Subcommittee to approve them.

He criticized the Administration, however, for again proposing, as they had in 1988, to eliminate funding for State and local drug law enforcement grants authorized by Congress in the Anti-Drug Abuse Act of 1986 (P.L. 99-570). Mr. Rangel and Mr. Gilman were the primary sponsors of legislation in the 99th Congress to establish this program.

Mr. Rangel called drug trafficking and drug abuse a national problem and described the overwhelming burdens drug trafficking and other drug-related crime placed on State and local law enforcement agencies, prosecutors, courts and prisons. Mr. Rangel said it was time for the nation to elevate the priority given to anti-drug funding. He urged the Subcommittee to support full funding for the State and local drug enforcement grant program at the authorized level of \$230 million. He noted that Congress had appropriated only \$70 million for the program in 1988 because many States had not received their first-year awards until the end of fiscal year 1987. He said, however, that \$70 million for 1989 would not be enough to maintain a viable program or to demonstrate that Congress was serious about fighting drugs.

Mr. Gilman supported the Chairman's remarks. He also decried the Administration's failure to request any funds to supplement the efforts of State and local law enforcement agencies to combat

narcotics trafficking and drug abuse. He said this omission represented a significant gap in the nation's anti-narcotics strategy. He urged the Appropriations Subcommittee to restore the full funding that had been authorized in 1986.

The Subcommittee Chairman, Representative Neal Smith of Iowa, said he shared Mr. Rangel's and Mr. Gilman's commitment to do whatever could be done in the war on drugs. He said that, in his judgment, there was no more important social problem in the country than drugs. He said, however, that the recently passed House budget resolution only included a \$500 million increase for law enforcement programs (of which \$225 million was intended for the State and Local Narcotics Control Assistance Program), whereas an increase of nearly \$1.3 billion was needed just to annualize the anti-drug and law enforcement efforts Congress had already authorized. He said he would like to be able to "finance the whole thing" but there was not enough money to do that. He called for Congress to back up its commitments with adequate funding.

Mr. Rangel said the decisions facing the Subcommittee and the Congress on anti-drug funding were so important that the leadership of the House and the affected committees and subcommittees should meet on a bipartisan basis to find a solution to the budget restrictions. Mr. Smith expressed his readiness to participate in any discussions that could be arranged.

Funding for State and local drug enforcement efforts was a major issue throughout congressional discussions and consideration of omnibus drug legislation in 1988. The fiscal year 1989 regular appropriations Act for the Departments of Commerce, Justice, State and the Judiciary (P.L. 100-459) provided \$70 million for the State and local drug enforcement grant program. The Anti-Drug Abuse Act of 1988 (P.L. 100-690) included a supplemental appropriation of \$80 million for this program for a fiscal year 1989 total of \$150 million.

ANTI-DRUG ASSISTANCE FOR COLOMBIA

Early in 1988, the Select Committee became aware of special needs for assistance by the Government of Colombia to combat the growing internal threat posed by narco-terrorists frequently operating in collusion with communist insurgent groups. In response, Chairman Rangel asked the Speaker to convene a bipartisan meeting of Members in top House and Committee leadership positions for a briefing by senior State Department officials on the situation in Colombia.

The Speaker held this meeting on April 14, 1988. In addition to the Speaker and Select Committee Chairman Rangel and Ranking Minority Member Gilman, key Members from the Appropriations, Foreign Affairs and Government Operations Committees participated.

Robert S. Gelbard, Deputy Assistant Secretary for South America, Bureau of Inter-American Affairs, Department of State, briefed the Members. He outlined the backgrounds, strengths and activities of the major insurgent groups operating in Colombia, including their increased involvement in narcotics production and with established trafficking organizations. He provided a grave assessment of

the security problems facing the Government of Colombia from the dual, and increasingly overlapping, threats of narco-terrorism and insurgency. He discussed the Colombian military's limited capabilities to counter the insurgents and drug traffickers. He also indicated that the Colombian military was shifting its doctrine to focus on the serious and real internal threats created by drug trafficking and insurgency instead of on perceived, but unreal, external threats. Finally, he discussed the military assistance Colombia would need to fight the narco-terrorist/insurgent threat and explained that any additional U.S. assistance could be expected to have a multiplier effect by leveraging increased support from the Government of Colombia for the Colombian armed forces.

The Members then discussed the problems of providing increased grant military assistance funding to Colombia for these purposes due to budget constraints and Administration foreign aid priorities. They talked about various ways to achieve the goal of providing increased anti-drug assistance to Colombia, but did not reach any consensus at this meeting.

On June 8, 1988, Chairman Rangel met with the U.S. Ambassador to Colombia, Charles A. Gillespie, Jr. The Ambassador outlined the serious challenges facing Colombia as it waged its internal war against the Medellin Cartel. He said the narco-terrorist threat was further complicated by other terrorist elements, i.e., communist insurgents. While the two are not necessarily aligned, he said they sometimes find it convenient to work together and sometimes convenient play each other off against the Colombian military.

He reported that the Colombian Government had been gradually shifting its anti-terrorist priorities from anti-communist to anti-drug trafficking. This shift in priorities had the support of the Colombian people.

The Ambassador felt that the Government of Colombia was willing to invest a considerable amount of money into the anti-drug effort. Colombia needs new trucks, helicopters, boats, arms, and basic supplies such as boots. The Government had hoped to purchase the equipment with a loan guaranteed by the Export-Import Bank. However, the Export-Import Bank was restricted by law; it could not guarantee any credit for military purchases.

The items in question were to be purchased for the Colombian military to be used primarily in the anti-drug effort. The Export-Import Bank had apparently suggested that Colombia promise not to use any of the equipment for anything other than the anti-drug effort. But the Colombian Government indicated that they could not, in all honesty, guarantee that none of the equipment would ever be used for anything other than the drug effort.

The Ambassador was aware that Congress was working on a new comprehensive drug bill, and he urged the Chairman to see what could be done to change the legal impediments to Colombia's effort to make a further commitment to the war on drugs.

In addition to this suggestion, the Ambassador also urged that Congress provide \$5-10 million in grant military assistance funds to Colombia. He stressed that the real war with guns, bloodshed and destruction was being waged within Colombia and that the Colombian Government was devoting an enormous percentage of its

resources and energy into fighting this war. Ultimately, it would benefit the United States to further assist Colombia in this effort.

At Mr. Rangel's request, Ambassador Gillespie agreed to return in two days to brief any Members who would be available and key staff from the committees of jurisdiction, especially the House Banking and Foreign Affairs Committees. Staff from House Minority Leader Michel's office, as well as those two standing committees, participated in this follow-up session on June 10.

Ambassador Gillespie told the group that within the last year the Government of Colombia had concluded the country's narcotics problem was so severe that the military had to get involved. He said there was now firm evidence that some guerrilla groups within Colombia were directly engaged in cocaine production. The Government of Colombia, he said, had told the military to move against drug traffickers, even those who are not guerrillas.

With this increased Government recognition of the narcotics threat and the decision to use the military to combat it, however, came the realization of additional needs for equipment and materiel. He outlined Colombia's needs for military assistance to be effective against the narco-traffickers. Following his presentation he responded to questions about statutory restrictions and policy considerations involved in any decision to authorize increased U.S. military assistance for Colombia and Export-Import Bank financing for such assistance.

Mr. Rangel emphasized that the Administration should make a clear policy statement to Congress about the need for additional military aid to Colombia to preserve democracy in that country against the forces of narco-terrorism. He said the focus of U.S. anti-drug initiatives in the Andean Region at this time should be on Colombia to demonstrate what the United States could do that would work to assist a country under assault by narco-traffickers.

The Anti-Drug Abuse Act of 1988 (P.L. 100-690) became the vehicle for legislative efforts to provide additional drug fighting assistance to Colombia. That Act included a trial provision to allow the Export-Import Bank to guarantee any sale of defense articles if the President determines that the articles or services are being sold primarily for anti-narcotics purposes, if the sale is in the interest of the United States and if the amount of the sale does not exceed 5 percent of the guarantee and insurance authority of the Bank. The country must be a major drug producing or transit country that is not ineligible to receive foreign aid from the United States due to inadequate narcotics cooperation. The sale must be consistent with U.S. anti-narcotics policy. Finally, the country must have a democratic form of government. This trial provision expires September 30, 1990.

In addition, the Act authorized a supplemental appropriation of \$15 million in grant military assistance funds for Colombia, although no funds have been appropriated pursuant to this authorization at this time.

SPECIAL ACTIVITIES

The Anti-Drug Abuse Act of 1986 (P.L. 99-570) mandated the establishment of a White House Conference for a Drug Free Amer-

ica. The purposes of the Conference were "to share information and experiences in order to vigorously and directly attack drug abuse at all levels, local, State, Federal and international; to bring public attention to those approaches to drug abuse education and prevention which have been successful in curbing drug abuse and those methods of treatment which have enabled drug abusers to become drug free; to highlight the dimensions of the drug abuse crisis, to examine the progress made in dealing with such a crisis, and to assist in formulating a national strategy to thwart sale and solicitation of illicit drugs and to prevent and treat drug abuse; and to examine the essential role of parents and family members in preventing the basic causes of drug abuse and in successful treatment efforts."

President Ronald Reagan appointed 127 individuals to serve as "Conferees" to the Conference, who were charged with presenting a Final Report to the President and to Congress. Members of Congress appointed by President Reagan to be conferees were Narcotics Select Committee Members Charles Rangel (New York), Benjamin Gilman (New York), and E. Clay Shaw (Florida). Representative Glenn English of Oklahoma, Senator John Danforth (Missouri) and Senator Pete Wilson (California) also served as congressional conferees.

Ten working committees were established in specific subject areas, and six regional meetings were hosted by the conference prior to the national meeting, which was held in Washington, D.C. from February 28-March 3, 1988.

Because the Narcotics Select Committee was very interested in the objectives and goals of the Conference, Representatives Rangel and Gilman met with Chairman Lois Haight Herrington during preparatory phases prior to the regional and national conferences. Both Chairman Rangel and Ranking Minority Member Gilman attended workshops scheduled during the National Meeting in Washington, at which more than 7,000 individuals participated. In addition to these and other seminars, Congressmen Gilman and Rangel were asked to address those present during an important "Town Hall Forum" entitled, "Are we Really Serious About Ending Illicit Drug Use in America?" This panel was composed of Members of the House and Senate, whose selection was facilitated by congressional leaders, while a second panel, addressing the same topic, consisted of Administration officials, including several Cabinet members.

In his address during the Town Hall Meeting, Chairman Rangel asserted that "drug-related crime is turning America into a national Dodge City where law and order have gone out of style. The troublesome threesome of cocaine, heroin and marijuana are ripping through our neighborhoods and communities like a wrecking ball swinging away at remnants of the past. The generation of the future that America will eventually come to depend on threatens to be wiped out today by drugs and we had better do something about it." Ranking Minority Member Gilman stated, "ruthlessness and corruption continue to abound, yet the strength of the drug traffickers has yet to be broken. They have made it clear that we are at war, and the American people must respond in kind. Corruption has spread across the hemisphere like a swift plague, endan-

gering and undermining the very governments that seek to deter these killers."

Later, conferees were asked to participate in a final meeting at the end of the conference, and provided comments and suggestions later in the spring when two additional follow-up meetings were held for conferees during preparation of the final report. Mr. Rangel and Mr. Gilman also submitted written comments on the draft final report to Chairman Herrington on June 10, 1988.

According to the report, the recommendations it contained reflected the general consensus developed at the seven conferences and follow up meetings. As defined by the report, "consensus means general substantive agreement, not necessarily unanimity in every case . . . Where strong opposing opinions were consistently expressed, those are reflected in the body of the report."

Upon the release of the final report of the White House Conference for a Drug Free America, in June 1988, Chairman Rangel and Ranking Minority Member Gilman expressed their general support, stating, "The report includes many excellent recommendations; there are, however, a number of proposals that raise concern." Proposals which they supported included the appointment of a cabinet-level "drug czar", and increased resources for every aspect of the nation's anti-narcotics efforts, encompassing treatment, prevention, law enforcement, and education.

Chairman Rangel, however, indicated his deep concern over the user accountability provisions in the report, particularly the imposition of sanctions. He said, "calls for holding the user responsible are symbolic gestures that, if implemented, would divert limited resources from drug enforcement efforts directed toward the most dangerous offenders and further tax already overburdened state and local drug enforcement efforts." The greatest danger of a drug policy focused on user responsibility, he said, is that, "It diverts our attention from the critical need for a comprehensive national anti-narcotics strategy that attacks both supply . . . and demand." He also opposed the death penalty, although he supported stronger penalties for drug traffickers and dealers."

Representative Gilman, in support of the imposition of stringent penalties, said, "I support many of the conference's recommendations, especially those calling for stiffer penalties for drug dealers and drug users. We must move to enact many of the recommendations. Congress must work expeditiously, in a bipartisan spirit, towards passing an effective, comprehensive anti-narcotics legislation. It is time to escalate our war against drugs by providing our front line anti-drug agencies with the urgently needed resources to effectively combat drug trafficking."

MARIJUANA CULTIVATION IN HAWAII

At the conclusion of the Select Committee's study mission to the Far East in January, the committee received a briefing in Hawaii from DEA agents concerning marijuana production and smuggling in that state. The Select Committee concluded, as a result of this briefing, that cannabis production in Hawaii remains a serious problem. The committee also found that a lack of resources and interagency coordination between Federal agencies involved in the

anti-drug effort in Hawaii is hampering the eradication effort and facilitates the trafficking of Hawaiian marijuana to the mainland United States.

On February 24, 1988, the committee held a briefing with the Drug Enforcement Administration and the U.S. Postal Service on the allegations of marijuana production and smuggling the committee received during the study mission.

According to DEA, Hawaii ranks as number one among the 50 states in total cannabis plots sighted and eradicated. The state has the highest arrest rate for marijuana violations and holds second rank for the number of cultivated cannabis plants eradicated. Hawaii produced 58 percent of all the sinsemilla eradicated throughout the United States in 1987.

DEA pointed out that most of the marijuana cultivation takes place on State rather than Federally-owned lands. Because of rulings and requirements of the Environmental Protection Administration (EPA), DEA does not conduct herbicide spraying of Hawaiian marijuana. The State of Hawaii has conducted spraying efforts, but is has been hampered in this regard by a lack of resources as well as by DEA/EPA findings that limit Federal support for the state weed oil spraying operation. Currently, only one helicopter is available to the state to conduct spray operations in Hawaii and it costs \$500 per hour to operate.

DEA was unable to state with any accuracy the extent of marijuana production in Hawaii, nor could it offer a firm view about how much Hawaiian marijuana is smuggled to the mainland or the preferred modes and smuggling.

The Postal Service indicated that of a total of 1664 parcels searched by postal inspectors in Hawaii between 1983 and 1987, 983 had been found to contain marijuana. However, the postal service indicated that the amounts of marijuana seized were getting smaller over this period of time. The majority of packages (60 percent) containing marijuana weighed one ounce or less. The Postal Service stated that it had not intercepted large bulk shipments of Hawaiian marijuana in the mail either in Hawaii or on the mainland.

The Postal Service representatives stated that because there are direct parcel post flights from several of the islands to the mainland, the inspectors rotate their site inspection activities. Suspect package profiles are utilized in conjunction with drug detector dogs. When a suspect package is identified, DEA is contacted and search warrants are obtained. The committee was informed that postal inspectors cannot conduct warrantless searches on first class mail nor do they utilize dogs to randomly sniff packages.

Staff followed this briefing with a session with the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture on March 10, 1988. APHIS enforces the plant and animal quarantine laws to prevent the introduction into and dissemination within the mainland United States of destructive plants and animal pest and diseases and noxious weeds. It carries on routine inspections of Hawaiian agriculture directed to the mainland.

APHIS has not specific programs in place with DEA to inspect packages or luggage containing items that may serve as conduits for drug smuggling. APHIS's authority to inspect is restricted to specific regulations that cover pests and diseases of agricultural

products. Inspectors have no authority to seize or detain controlled substances. If illegal drugs are discovered during an inspection, local law enforcement agencies are notified.

The Committee also corresponded with the Hawaiian State Department of Land and Natural Resources concerning the nature and extent of marijuana cultivation in the state. In a letter to Chairman Rangel dated, April 13, 1988, William W. Paty, Chairperson, Board of Land and Natural Resources stated, "Despite massive efforts, law enforcement officials acknowledge that there is a great deal of marijuana being grown and shipped out of Hawaii." Paty called for the establishment of a joint task force incorporating Federal, State and local agencies as a method of consolidating the efforts and resources of various enforcement agencies involved in the marijuana suppression effort in Hawaii. He stated, "A state-wide strategy for eradication, enforcement and education would be a viable approach to address this problem in our state."

The Select Committee had intended to return to Hawaii in the fall of 1988 to conduct hearings and further explore many of the issues raised during its January visit and subsequent follow-up investigation in Washington. The fall congressional schedule, unfortunately, prevented a return visit by the committee.

The Hawaii marijuana cultivation problem will remain an issue of concern to the committee in the 101st Congress. Among the issues the committee will continue to explore are the nature and extent of marijuana cultivation in the state, methods of marijuana smuggling from Hawaii to the mainland United States, strategies and programs of the U.S. Department of Justice and the Drug Enforcement Administration in Hawaii, coordination of marijuana suppression efforts by Federal agencies in Hawaii (e.g. DEA, the Postal Service, and APHIS) and cooperative efforts with Hawaiian state and local drug control agencies.

NEW YORK CITY NEEDLE EXCHANGE PROGRAM

The last two years in the field of AIDS-related research have been marked by a drastic increase in the number of AIDS cases linked to the intravenous use of drugs. The Centers for Disease Control in Atlanta said throughout 1988 that as many as one-third of all AIDS victims had acquired the disease through IV drug use or from someone who was an IV drug user.

Across the country, many cities with large populations of IV drug users considered ways in which they could promote a slowing of the spread of AIDS among their needle-using populations. Many jurisdictions looked at improving their public education and information programs, and at increasing resources for treatment and rehabilitation as the answer. But a handful of cities offered to take approaches that were perhaps among the most radical considered—to pass out clean needles and syringes to IV drug users at risk for AIDS.

The Select Committee has taken the position that the goal of any treatment or prevention program should be to achieve a drug free lifestyle. The free needles program, Chairman Rangel has argued, directly contradicts the drug free message that should be the focus of anti-drug efforts at all levels.

As the clean needles issue evolved in 1988, the committee monitored the progress of needle distribution proposals being considered in such cities as Boston, Portland, Oregon, Minneapolis, Washington, D.C., and New York City.

Because New York was destined to become the "test market" for the other cities considering free needle exchange plans, as it did through beginning a program in November after a delay of several months, much of the effort was directed at New York-area officials who approved and funded a pilot project to regularly distribute clean needles to some 2,000 IV drug abusers in the City.

Chairman Rangel quickly assumed a leadership position among free needle opponents. The Committee's research findings and Chairman Rangel's strong stance on the issue weighed heavily in the withdrawal of language supporting pilot needle exchange projects from the omnibus Anti-Drug Abuse Act of 1988.

Throughout the year, Chairman Rangel published opinion articles in New York newspapers, referred to the free needles project in speeches, and wrote Letters to the Editor to major newspapers speaking out against the start of the New York project. The Chairman also dispatched letters to New York Governor Mario Cuomo; State Health Commissioner David Axelrod; New York City Mayor Edward I. Koch; and City Health Commissioner Stephen Joseph, asking their support in halting the experimental project and the use of \$300,000 in city funds for the program.

Although the program did finally get underway, the number of distribution sites was trimmed and participation was minimal initially. Public opposition continues.

City Health Commissioner Joseph lobbied hard for the program throughout the year, with the backing of Mayor Koch. Final approval for the pilot project came from Commissioner Axelrod at the State Capitol in Albany.

GENERAL ACCOUNTING OFFICE REPORT ON STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE PROGRAM

In January 1988, Chairman Rangel asked GAO to evaluate the State and Local Narcotics Control Assistance Program authorized by the Anti-Drug Abuse Act of 1986 (P.L. 99-570). Congress established this program to provide much needed Federal support to States and localities in meeting their most urgent drug enforcement priorities.

Throughout 1987, the Select committee received numerous complaints from local officials that they had not been given an adequate opportunity to participate in the development of statewide drug enforcement strategies required to be submitted by each State applying for block grant funds. Congress had mandated each State to prepare its strategy in consultation with local officials so that local interests would be fully represented in the determination of drug enforcement needs and priorities within the State. The priorities identified in the strategy were intended to serve as the basis for allocating block grant funds within the State. Local officials also expressed concerns that their jurisdictions would not receive their fair share of block grant funds from the State.

One case in point was Alameda County, California. Although the legislative history of the State and Local Narcotics Control Assistance Program clearly indicated that Alameda County's "war on drugs" program was the type of local program Congress intended to assist, the California Governor's Office of Criminal Justice Planning denied Alameda County's application for funds in December 1987. Rep. Fortney H. (Pete) Stark (D-CA), a member of the Select Committee, brought the Alameda County situation to the Committee's attention. He also initially requested a separate GAO inquiry into the goals and methods used by California in distributing funds under the program, and then joined with Chairman Rangel in asking for an evaluation of the program's implementation.

On the basis of preliminary work completed in New York State, GAO prepared a fact sheet for Chairman Rangel on New York's application for, and distribution of, block grant funds under the State and Local Narcotics Control Assistance Program. In releasing the new fact sheet on August 5, 1988, the Chairman said it confirmed local complaints that Federal drug enforcement funding has not reached local programs entitled to the money because local units of government had little or no input into the decision-making process.

GAO's specific findings included:

The State legislature made the final determination of the activities to be funded and the amount of funds to be distributed.

The majority of local criminal justice planning officials did not participate in the development of the State plan.

The State legislature did not fund specific activities deemed important by local criminal justice planners, such as New York City Police Department initiatives to enhance apprehension of drug criminals.

Mr. Rangel said the GAO findings offered a substantial basis for the enactment of legislation he had introduced calling for direct funding of localities, rather than the current program which gives States total discretion to decide which localities receive funds and the amount of those awards. His bill, H.R. 4811, was considered as part of congressional omnibus anti-drug legislation (A separate discussion of H.R. 4811 is included in this report in Section VI, Activities in Support of Legislative Initiatives. The omnibus Anti-Drug Abuse Act of 1988 (H.R. 5210, P.L. 100-690) is discussed in Section IV of this report.).

In commenting on the GAO's study, the Committee's Ranking Minority Member, Benjamin A. Gilman (R-NY), said: "The GAO has done a fine job in highlighting some of the problems of the fund distribution program now in place.

"It is important that we learn from our experiences with the drug enforcement grants, especially now that we are moving forward with new comprehensive anti-narcotics legislation that will include funds for State and local law enforcement agencies whose officials are on the frontlines in our war against drugs. We must help provide them with the resources necessary to wage an effective war against drugs."

GENERAL ACCOUNTING OFFICE REPORT ON DRUG ABUSE PREVENTION

On February 2, 1988, Chairman Rangel and Ranking Minority Member Gilman announced the release of a GAO report to the Select Committee showing that much more work needs to be done by Federal agencies to properly implement drug abuse prevention and education programs. The report had been requested by the Chairman and the Ranking Minority Member on the Committee's behalf.

The GAO study, entitled "Drug Abuse Prevention: Further Efforts Needed to Identify Programs that Work," reported that the "federally endorsed and widely publicized 'Just Say No' [antidrug] program," based on anti-smoking strategies, had never been evaluated and that the Federal Health and Human Services Department expressed concerns that:

The strategies found successful against smoking may not transfer to the drug area;

The strategy will not produce enduring results beyond the short-term; and

The strategy may not have applicability to all segments of the population since research to date has been restricted to white, middle class populations.

In announcing the report, Mr. Rangel and Mr. Gilman said, "We need a stronger Federal commitment to developing and identifying a range of effective prevention programs that states and localities can use to fight drug abuse in our schools and communities."

The GAO report provided an overview of Federal drug abuse prevention and education efforts, focusing on the tenfold expansion of such activities mandated by the Anti-Drug Abuse Act of 1986. That Act, GAO found, increased Federal expenditures on drug abuse prevention and education activities from an average of just \$23 million a year, or slightly more than 1 percent of the average total expenditures to combat drug abuse, to \$245 million for fiscal year 1987. The bulk of the increase went to the Education Department, which was given major responsibilities to implement grants to states and local educational agencies for school-based drug abuse prevention programs.

The GAO report noted that many of the projects authorized under the Anti-Drug Abuse act were not founded until late in fiscal year 1987 and concluded that it was still too early to determine the success of new drug abuse prevention and education projects. GAO stressed that implementation of monitoring and evaluation equipments should be given high priority by the responsible agencies so that successful programs can be identified and disseminated to states and localities.

Both Mr. Rangel and Mr. Gilman agreed the GAO report demonstrated the importance of vigorous evaluation to identify effective programs and help Congress target drug abuse prevention resources.

"A number of the report's findings, however, raise serious doubts in our minds as to whether the Federal Government is doing enough to identify effective programs and ensure proper evaluation of programs funded under the Anti-Drug Abuse Act," they said.

According to GAO, Education officials are not providing the states with an evaluation instrument or guidance because evaluation is a "state responsibility" and evaluation instruments are already available from other sources.

But GAO also found that the states are ill-prepared to handle this responsibility on their own. GAO said most states do not have a system to collect information on local drug abuse prevention and education activities; states and localities lack evaluation experience; and most states have not monitored drug abuse prevention and education activities in the past.

Moreover, GAO concluded that information Federal agencies are required to collect and disseminate on effective and ineffective drug abuse prevention and education curricula and school-based programs is not yet available to help states and localities. Education officials told GAO that a systematic review of drug education curricula was not feasible. They proposed instead to develop a check list of criteria that states and local education agencies can use as a guide in making decisions on curricula.

Commenting on these findings, Mr. Rangel and Mr. Gilman said, "A check list is helpful, but we fail to see why the Department of Education cannot develop model drug abuse education curricula and evaluate existing programs and make its recommendations available to states and localities. States and local schools should not have to reinvent the wheel and discover on their own what works by a process of trial and error."

The GAO report also endorsed provisions in H.R. 5, the School Improvement Act, passed by the House in 1987, that would have required states to provide technical assistance to local schools receiving Federal anti-drug funds that failed to make reasonable progress in implementing effective drug abuse education programs on their own. The House provision was adopted in lieu of an Education Department proposal that would have allowed states to cut off drug education funding without first providing technical assistance.

In addition, GAO recommended that Congress permit each state to terminate Federal anti-drug funding to any local school that does not make reasonable progress on a drug education program *after* receiving technical assistance from the state.

"We have no quarrel with the concept that ineffective programs should not continue to receive Federal funding," Mr. Rangel and Mr. Gilman said. "But before Congress grants such authority, we would like to know what the Department of Education is doing to help states and localities identify programs that work. And we would like to know that the Department of Education is providing guidance and standards for states and localities to follow in evaluating programs."

"The Anti-Drug Abuse Act was intended to provide strong Federal leadership to help states and local schools develop effective drug abuse education programs. It was not intended to punish schools that need help," they said.

GENERAL ACCOUNTING OFFICE REPORT ON MEDICAID MILLS

On August 30, 1988, Chairman Rangel released a report by the General Accounting Office (GAO) that found that federally funded

Medicaid data banks can help investigators identify pharmacies who have sold higher than average amounts of controlled substances and are possibly illegally distributing controlled substances.

Mr. Rangel asked for the GAO report on medicaid prescription practices in response to a growing problem in New York and in other states of medicaid providers improperly prescribing controlled substances to addict/medicaid recipient populations for no sound medical reason. The practice fuels continued drug addiction and defrauds the medicaid system at the same time.

GAO surveyed health officials in four states—New York, Louisiana, Texas, and Wisconsin—and found that the use of new audit methods has the potential of identifying physicians and pharmacists who may be illegally prescribing controlled substances. The technique involves the use of Medicaid Management Information System (MMIS) data to identify the highest controlled substance sales percentages in a pharmacy's total volume. While a high level of controlled substances sales does not necessarily show that an improper diversion of controlled substances is occurring, MMIS data can supply diversion investigators with an additional tool when examining the activities of suspect medicaid providers.

BRIEFING ON AIDS AND INTRAVENOUS DRUG ABUSE FOR CONGRESSIONAL STAFF (APRIL 15, 1987)

Because of the continued increase in AIDS cases, with over one-fourth attributable to intravenous drug abuse, the Select Committee arranged a briefing to inform all Congressional staff of this dimension of the AIDS epidemic. Presentations were made by Dr. Charles R. Schuster, Director of the National Institute on Drug Abuse (NIDA); Dr. Roy W. Pickens, Associate Director for AIDS and Director of the Division of Clinical Research, NIDA; Ms. Gloria Weissman, Public Health Advisor for Community Research Branch, Division of Clinical Research, NIDA; and Ms. Susan Lachter, Director, Office of Research Communications, NIDA. The topics ranged from the scope of the AIDS and intravenous drug abuse problem to AIDS and drug abuse prevention and education efforts.

THE UNITED STATES CONFERENCE OF MAYORS

Throughout 1988, Select Committee Members provided support to activities by the United States Conference of Mayors to highlight the needs of our nation's cities for additional Federal assistance in anti-drug efforts.

Select Committee Chairman Rangel was among a number of distinguished legislators who spoke before the National Conference on Crime, organized by the Conference of Mayors, in Washington, D.C., on April 24-26, 1988.

Approximately 100 of the nation's major cities were represented at the conference by either a mayor or police chief.

Chairman Rangel emphasized to the group, in his address on April 25, the importance of developing a national strategy to combat both the trafficking and abuse of illicit narcotics. The Chairman also stressed the importance of a serious commitment to providing adequate resources for the war on drugs, and for mayors

and other local officials to develop their own unique strategies for fighting the drug crisis within their own communities.

At the conclusion of the National Conference on Crime, participating Mayors and police chiefs held a press conference on the steps of the United States Capitol to issue a call for a national anti-drug strategy. Joining them were a number of Members of Congress, including Select Committee Members, who pledged to work for new anti-drug legislation addressing all aspects of the national drug abuse crisis, including increased Federal support for drug enforcement, treatment and prevention efforts in our nation's urban areas.

The Select Committee also helped arrange a meeting on the Hill on May 6, 1988, between Congressional staff and representatives of the Conference of Mayors. The purpose of the meeting was to give an opportunity for the Conference to present the Mayors' recommendations for an anti-drug strategy and to explain the needs faced by cities in attempting to cope with drug abuse problems. This session was attended by several staff from Members' offices and House committee. It allowed for a frank exchange of views and a critical assessment of pending legislative initiatives relating to Federal support for State and local anti-drug efforts.

On August 9, 1988, Chairman Rangel and Representative Hughes joined a group of Mayors for a second Capitol Hill press conference to urge swift Congressional action on new anti-drug legislation. This press conference was held two days before the House began consideration of H.R. 5210, the Omnibus Drug Initiative Act of 1988. In his remarks, the Chairman praised the Mayors for being strong public advocates for increased anti-drug efforts at all levels of government and for the support the Mayors had given to the House in drafting the new omnibus drug measure.

CONGRESSIONAL ADVISORY COMMITTEE ON NARCOTICS TRAFFICKING AND ABUSE, APRIL 30, 1988

On April 30, 1988, Ranking Minority Member Gilman convened a meeting of his 22d Congressional District's Advisory Committee on Narcotics Trafficking and Abuse at the Orange and Rockland Utilities Auditorium in Spring Valley, New York. Held periodically, the advisory committee meets to review particular aspects of the drug trafficking and abuse problem. This particular meeting focused on efforts being undertaken by the Defense Department, and the featured speaker was Lt. General Stephen Olmstead, Deputy Assistant Secretary for Drug Policy and Enforcement. Congressman Gilman also invited Warren Kilmer, Associate in Health Education, Bureau of Health and Drug Education and Services of the New York State Department of Education, to update the group on the availability and usage of federal drug education monies.

MEMBER SERVICES

The Select Committee continued to provide a range of services to Members of Congress, as interest in the drug issue intensified in the 100th Congress.

In March 1988, the Committee inaugurated a monthly newsletter that provided all House Members with insight on various issues re-

lated to narcotics. Each month, either a specific illicit narcotic or a topical drug issue was selected for special focus in the newsletter. Charts and graphs were also utilized each month to explain the issue at hand. Among the topics discussed in this year's newsletters were cocaine, heroin, marijuana legalization, and smuggling out of Asia's "Golden Crescent" area.

The newsletters were distributed to each and every Member of the House, as well as to representatives in various anti-drug agencies and organizations throughout the country.

In addition, Committee Chairman Charles B. Rangel and Ranking Minority Member Benjamin A. Gilman dispatched a number of "Dear Colleague" letters to House Members, on a variety of issues, throughout the year. This year, "Dear Colleagues" went out on such subjects as the 1988 Anti-Drug Abuse Act, drug abuse and drug trafficking, AIDS and drug abuse by America's youth.

Members continued to seek information on the Anti-Drug Abuse Act of 1986. The bill summary developed by the Committee shortly after the enactment of the law remained a popular item in 1988, as many congressional offices contacted the Select Committee for answers about the workings and the progress of the omnibus drug bill and for answers about how specific provisions of the bill related to their own areas of the country.

In anticipation of congressional action on a new omnibus drug measure, the Select Committee sent out a number of "Dear Colleague" letters providing background facts on the nature and extent of drug trafficking and abuse and the Federal response to these problems.

Prior to House consideration of H.R. 5210, the Omnibus Drug Initiative Act of 1988, the Select Committee circulated to all Members a summary of the bill's highlights and a title-by-title analysis of the bill.

Similarly, after final enactment of the P.L. 100-690, the Anti-Drug Abuse Act of 1988, the Select Committee sent to all Members a summary of the Act's highlights and a detailed, title-by-title summary of the Act's anti-drug provisions. A funding summary for the Act also was made available.

The rising interest in narcotics issues led to a tremendous flurry of requests from individual Members on trends in drug trafficking and drug abuse, for use in speeches and in response to constituent mail. The committee handled all these requests. Information packets were put together on some specific topics to handle the large number of requests.

It became quite obvious in 1988, from the assistance provided to Members, that the problem of illicit drugs was a topic of major concern to many Americans.

ADDRESSES

INTRODUCTION

Select Committee Members, particularly the Chairman and Ranking Minority Member, as well as Select Committee staff, are frequently asked to participate in panels on drug trafficking and abuse, or address private and/or public groups on any one of the many facets of the narcotics problems. As the Committee believes

awareness and understanding of the dimensions of the narcotics problem are of great importance to the fight against narcotics. Members and staff participate in such public fora whenever possible.

CHAIRMAN CHARLES B. RANGEL

During 1988, Chairman Rangel addressed several groups on the subject of drug abuse and control. Among the groups addressed were: the Group Health Association, Cincinnati Ohio (February 22); Sydenham Neighborhood Family Care Center Auxiliary (April 19); and the National Association of Negro Business and Professional Women's Youth Program (July 29).

RANKING MINORITY MEMBER BENJAMIN A. GILMAN

30th Meeting of the Delegations from the European Parliament and the U.S. Congress, January 10-12, 1988, Dusseldorf, West Germany

Representative Gilman participated in the 30th meeting between Members of Congress and Members of the European Parliament that was held in Dusseldorf, West Germany, on January 10-12, 1988. In his presentation, Mr. Gilman praised European and law enforcement authorities for their increased seizure of heroin, cocaine and cannabis. However, he reiterated the urgent need for a comprehensive regional program, in light of the finalization of agreements removing barriers between members of the European Community which will include the removal of border restrictions. Stating that the strategy needs a pooling of resources, personnel and equipment, Congressman Gilman urged those present to work for increased donations by their governments to the United Nations Fund for Drug Abuse Control.

Representative Gilman also reminded the European Parliament's members that the European Community must focus more on the AIDS epidemic, and urged them to take action in their own countries to expand treatment and prevention programs relating to intravenous drug abuse.

31st Meeting of the Delegations from the European Parliament and the U.S. Congress, June 21-26, 1988, Minneapolis, Minnesota

Congressman Benjamin A. Gilman joined the U.S. delegation in its participation at the 31st meeting between Members of the European Parliament and the U.S. Congress. Convened on June 21, 1988, the delegations met in Minneapolis, Minnesota.

In his remarks before those in attendance, Ranking Minority Member Gilman focused on the threat posed by the Colombian Medellin cartel to the United States and Western Europe. He pointed out that although notorious drug kingpin Carlos Lehder had been convicted, and Juan Matta Ballesteros had been apprehended, the threat of illicit narcotics trafficking continued to permeate every corner of the world.

Representative Gilman assured his colleagues that the House of Representatives was overwhelmingly opposed to the legalization of any illicit substances, noting that the problem of illicit narcotics needed a broad international response. He expressed his support

for the Comprehensive Multidisciplinary Outline of Future Activities (CMO) drawn up by the International Conference on Drug Abuse and Illicit Trafficking in June 1986, whereby the 138 member nations can initiate actions regarding production, trafficking, prevention and treatment of illegal substances.

Mr. Gilman assured those present that the U.S. Congress was in the process of fashioning yet another omnibus anti-drug bill, and praised the zero tolerance effort supported by President Ronald Reagan as well as the call for a western hemispheric drug summit supported by Vice President George Bush.

Address before the National Law Enforcement Council, June 6, 1988, Washington, DC

Representative Gilman addressed a meeting of the National Law Enforcement Council in Washington, D.C., on June 6, 1988. In his remarks, Congressman Gilman presented an initial outline of congressional efforts to fashion a second omnibus anti-drug abuse bill. Noting that action would be taking place within the next few months, he urged the council's members to provide comments and suggestions to their Members of Congress.

Representative Gilman also discussed the oversight function of the Narcotics Select Committee, and its effort to increase coordination of the federal role in our "war on drugs". He gave particular focus to the State and Local Law Enforcement Assistance grant program, noting that both he and Chairman Charles Rangel were supportive of additional funding. He also urged those present to increase their participation in the federal asset forfeiture program, indicating that such participation would allow State and local law enforcement units to add valuable dollars to their anti-drug efforts.

APPENDIX

PUBLICATIONS LIST

(100TH CONGRESS, 2D SESSION)

- 100-2-1 Report—Study Mission to Korea, Thailand, Burma, Singapore, Malaysia, Indonesia, and Hawaii (January 14-25, 1988) (Printed)
- 100-2-2 U.S. Foreign Policy and International Narcotics Control—Part I (March 16, 1988) (Printed)
- 100-2-2 U.S. Foreign Policy and International Narcotics Control—Part II (March 29, 1988) (Printed)
- 100-2-4 The National Drug Policy Board Strategy Plans (April 14, 1988) (Printed)
- 100-2-5 Drugs and Violence in the Washington Metropolitan Area (Joint hearing with DC Committee) (April 20, 1988) (Printed)
- 100-2-6 Implementation of State and Local Grants Programs (May 26, 1988) (Printed)
- 100-2-7 Executive Session—Dialog with the Andean Parliament (June 21, 1988) (Printed)
- 100-2-8 Federal Law Enforcement Role in Narcotics Control in Southern California (August 23, 1988) (Editing and Entering)
- 100-2-9 Drug Legalization—Catastrophe for Black Americans (September 16, 1988) (Editing and Entering)
- 100-2-10 Legalization of Illicit Drugs: Impact and Feasibility—Part I (September 29, 1988) (Editing and Entering)
- 100-2-11 Legalization of Illicit Drugs: Impact and Feasibility—Part II (September 30, 1988) (Editing and Entering)
- 100-2-12 1988 Annual Report

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